U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

National Policy

**ORDER
1100.161B**

Effective date:
04/12/2024

SUBJ: Air Traffic Safety Oversight

This Order establishes roles, responsibilities, and processes for the Air Traffic Safety Oversight Service (AOV), the Air Traffic Organization (ATO), and other Federal Aviation Administration (FAA) organizations directly involved in the provision or safety oversight of air navigation services. This Order also establishes the processes that must be used within the FAA to conduct safety oversight of air navigation service providers consistent with the International Civil Aviation Organization's standards. To maintain the highest levels of safety, FAA organizations use risk-based, data driven decision making. This Order documents the specific delegation of authority to the Associate Administrator for Aviation Safety (AVS-1), and further redelegation to the Executive Director of the Air Traffic Safety Oversight Service (AOV-1), for safety oversight of ATO and enforcing safety regulations related to air navigation services. AOV-1 will have dual direct reporting to the FAA Administrator and AVS-1.

Michael G. Whitaker
Administrator

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Chapter 1. General Information

1. Purpose of This Order. This Order:

a.   Documents the specific delegation of, under Title 49 of the United States Code 106(f)(2)(C), authority to the Associate Administrator for Aviation Safety (AVS-1), and further redelegation to the Executive Director of the Air Traffic Safety Oversight Service (AOV-1), for safety oversight of the Air Traffic Organization (ATO) and enforcing safety regulations, standards, and policies related to air navigation services. AOV-1 will have dual direct reporting to the FAA Administrator and AVS-1. This Order also describes the policies, authorities, and responsibilities of the Air Traffic Safety Oversight Service (AOV) and ATO. AOV provides safety oversight of:

- ATO.

- Other air navigation service providers operating in the National Airspace System (NAS).

- Individuals providing air traffic control services using privileges extended through the Control Tower Operator Certificate.

- FAA organizations providing aeronautical information or data to ATO that is used to provide air navigation services, to the extent they may impact air navigation services safety.

- Office of NextGen, to the extent their systems may have a safety impact on the current or future air navigation services that ATO provides.

- Organizations authorized by Letters of Agreement, Memoranda of Understanding (MOU), or other appropriate documents.

- Other organizations, as the FAA Administrator or AVS-1 authorizes.

b.   Authorizes AOV to independently conduct surveillance of ATO and other air navigation service providers in the NAS, as identified in paragraph 1a above, to ensure effective implementation of and compliance with the safety-related laws, regulations, policies, processes, and procedures. This Order establishes a clear separation of functions and responsibilities between AOV and ATO, which allows AOV, as part of its regulatory oversight function (see ICAO Doc 9734 Part A, *The Establishment and Management of a State Safety Oversight System*), to take effective and independent actions. To provide robust checks and balances and to avoid perceived, potential, or actual conflicts of interest, AOV is part of a separate FAA line of business from ATO, under AVS-1, and is a dual direct report to the FAA Administrator and AVS-1.

c.   Establishes AOV as the safety oversight authority to ensure effective and independent safety oversight, to include establishing the requirements for the ATO's Safety Management System (SMS) in accordance with FAA Order 8000.369, *Safety Management System*, and in alignment with all applicable International Civil Aviation Organization's (ICAO) Annexes and guidance materials.

d.   Identifies ATO's and AOV's responsibilities for safety in the NAS. It also details the requirements and safety standards under which ATO must operate.

e.   Does not apply to the FAA Flight Program, Flight Program Operations (AJF), a service unit in ATO. Safety oversight of the FAA Flight Program will be conducted in accordance with FAA Order 4040.9, *Flight Program Oversight.* AOV retains safety oversight of flight inspections, as specified in Chapter 4.

2.   Audience. This Order applies to all FAA organizations involved in providing, supporting, or overseeing the delivery of air navigation services.

3.   Where to Find This Order. You can find this Order on the FAA website at http://www.faa.gov/regulations_policies/orders_notices.

4.   What This Order Cancels. This Order supersedes FAA Order 1100.161A, *Air Traffic Safety Oversight*, dated February 28, 2020; FAA Order 8000.365A, *Safety Oversight Circulars (SOC)*, dated May 21, 2020; SOC 07-01, *Acceptance of the Air Traffic Organization (ATO) Baseline*, and SOC 08-07, *Guidance Regarding the Validation and Verification of the ATO Safety Management System,* dated August 20, 2008.

5.   Explanation of Policy Changes. Organization Structure. This revision establishes AOV as a dual direct report to the FAA Administrator and AVS-1. AOV-1 is accountable to the FAA Administrator for safety oversight of ATO.

b.   Authority. This revision clarifies AOV's authorities.

c.   Scope. This revision identifies the organizations for which AOV provides safety oversight.

d.   Other Content. This revision restructures, clarifies, and expands on AOV's and ATO's responsibilities.

6.   Distribution. Electronic distribution.

7.   Implementation Date. This Order is effective the date of publication. Implementation of changes in paragraphs 3 through 6 of Chapter 3 must be completed within 24 months from the published effective date.

8.   Recommendations for Changes. Proposed changes to this Order must be submitted electronically at the AOV stakeholder feedback website (https://www.faa.gov/about/office_org/headquarters_offices/avs/stakeholder_feedback/aov/). The submission should include a description of the recommended change and the proposed language to be used in this Order in the feedback block.

Chapter 2. Responsibilities

1. AOV. Under this Order, AOV must:

a. Provide independent, risk-based, data-driven safety oversight.

b. Provide the FAA Administrator and AVS-1 with essential information about ATO's safety performance and their compliance with FAA safety standards, policies, procedures, and their SMS.

c. Ensure there is a sufficient number of qualified and trained technical staff to carry out the required safety oversight tasks and functions.

d. Establish safety standards for air navigation services, both nationally and internationally, in accordance with applicable ICAO Standards and Recommended Practices (SARPS). Approve or accept changes, waivers, or authorizations to deviate from those standards. See Chapter 4 of this Order.

e. Develop and maintain a Credentialing program.

f. Manage the Control Tower Operator Certification program.

g. Establish standards for the SMS for air navigation service providers.

h. Conduct safety oversight surveillance of ATO operations, products, and services and of other air navigation service providers in the NAS to ensure effective implementation and compliance with safety-related laws, regulations, and policies.

i.   Monitor and assess compliance with the standards established in accordance with Chapter 2, paragraph 1d, and Chapter 4.

j. Ensure the ATO SMS complies with the requirements in Chapter 3 of this Order and FAA Order 8000.369.

k. Monitor the safety performance of air traffic operations and conduct comprehensive reviews of air traffic incidents, operational incidents, deviations, near midair collisions, losses of separation, air navigation services equipment outages and malfunctions, and ATC-Zero conditions.

l.   Oversee, monitor, and assess ATO's safety performance within their SMS.

m. Review the following items for approval before the ATO implements them:

(1) Controls to mitigate or eliminate initial or current high-risk hazards. See Chapter 3, paragraph 4f (1) (c).

(2) Changes, waivers, or authorizations to orders, handbooks, and documents that pertain to separation standards, including Order JO 7110.65, *Air Traffic Control*. See Chapter 4, paragraph 1b.

(3)   The NAS equipment availability program, as well as any changes to the program. See Chapter 4, paragraph 4b (2).

(4)   Any changes to the ATO SMS as specified in Chapter 3, paragraph 1a.

n.   Review the following items for acceptance when ATO submits them:

(1)   Changes to personnel certification requirements. See Chapter 4.

(2)   Changes to the Aeronautical Information Services (AIS) Credentialing Standard Operating Procedure. See Chapter 4, paragraph 6b (3).

(3)   Corrective Action Plans (CAPs) that AOV requires. See Chapter 5, paragraph 2d.

(4)   New mitigations that go outside the ATO. See Chapter 3, paragraph 4f (3).

(5)   Changes to the FAA Order 8200 series. See Chapter 4, paragraph 5d

o.   Review the following items for concurrence when ATO submits them.

(1)   Proposed responses to safety recommendations involving ATO from the National Transportation Safety Board, Offices of the Inspectors General, or the U.S. Government Accountability Office

(2)   Notifications of differences ATO proposes to file with ICAO

p.   Take action to address identified safety issues, noncompliance issues, and nonconformance issues. These actions include, but are not limited to:

(1)   Issuing Safety Warning Notices and Safety Directives requiring ATO to make a change, stop a procedure, or alter a practice where there is a significant unsafe condition that warrants such an action.

(2)   Issuing reports, memoranda, and letters requiring ATO to provide information.

(3)   Requiring a CAP to address, correct, and resolve noncompliance or nonconformance issues.

q.   Serve as a primary interface with ATO on safety issues impacting more than one Aviation Safety (AVS) service or office, integrating the input from other AVS components and providing ATO with the official AVS position on those issues. Activities related to safety issues, and involving ATO, that involve two or more AVS services or offices must include an official AOV representative.

r.   Share safety data and information with ATO and within AVS.

s.   Review, before publication, proposed significant differences to the ICAO Procedures for Air Navigation Services (PANS) and ICAO Regional Supplementary Procedures that are to be published in the US Aeronautical Information Publication but that are not filed with ICAO.

t. Participate in Voluntary Safety Reporting Programs (VSRPs).

(1) AOV serves as the primary interface with ATO on the Air Traffic Safety Action Program and Technical Operations Safety Action Program VSRPs and holds membership on the event Review Committee, which must include ATO, AOV, and either the National Air Traffic Controllers Association (NATCA) or Professional Aviation Safety Specialists (PASS) as appropriate. ATO and AOV must jointly review the MOU or Memorandum of Agreement (MOA) between ATO, AOV, and either NATCA or PASS to ensure that it satisfies the guidance contained in FAA orders and other agreements as applicable.

(2) AOV will participate in other VSRPs in accordance with orders and MOUs.

2. ATO. Under this Order, ATO must:

a. Deliver air navigation services at the highest practicable level of safety. The primary responsibility for the safe provision of air navigation services in the NAS rests with ATO.

(1) ATO must establish and maintain clear lines of authority and responsibility for ensuring safety at all organizational levels.

(2) Employees at all organizational levels involved in providing air navigation services have an individual responsibility for safety.

b. Maintain and adhere to a system of Federal Aviation Regulations and FAA directives, orders, notices, and manuals that document the specifications, processes, and procedures that are used to provide air navigation services.

c. Submit items required in this Order for AOV's prior approval. See Chapter 2, paragraph 1m.

d. Submit items required in this Order for AOV's acceptance. These items must be submitted no more than 30 calendar days after the action. See Chapter 2, paragraph 1n.

e. Submit the following items for AOV's concurrence:

(1) Proposed responses to safety recommendations involving ATO from the National Transportation Safety Board, Offices of the Inspectors General, or the U.S. Government Accountability Office

(2) Notifications of differences ATO proposes to file with ICAO in accordance with FAA Order JO 7000.6, Identification and Notification of Differences Between ATO Products and Services and ICAO Publications

f. Provide proposed significant differences to the ICAO PANS and ICAO Regional Supplementary Procedures that are to be published in the US Aeronautical Information Publication, but that are not filed with ICAO, to AOV for review before publication.

g. Maintain documented evidence to show compliance with established safety standards outlined in Chapter 4 of this Order, the ATO SMS, Safety Directives AOV issues, and the AOV Credentialing and Control Tower Operator Certification Programs, including FAA Order 8000.90.

h. On a regular and periodic basis, as set by AOV and the ATO safety service, provide reports, briefings, safety records, data, and information to AOV related to:

   (1)   NAS changes ATO is tracking.

   (2)   Safety Assurance requirements in Chapter 3, paragraph 5.

   (3)   Safety Promotion requirements in Chapter 3, paragraph 6.

   (4)   Verifying compliance with safety standards and the ATO SMS.

   (5)   Evaluating ATO SMS effectiveness.

i. Provide AOV with open access to the ATO's operational occurrence data. In addition, provide open access to all records that AOV determines are necessary to provide safety oversight.

j. Take necessary corrective actions to resolve identified safety issues, noncompliance issues, and nonconformance issues and to mitigate associated safety risks.

k. Provide AOV with corrective action documentation and implementation schedules in accordance with Chapter 5 of this Order.

l. Notify AOV of all planned Safety Risk Management (SRM) panels. AOV may, at its discretion, be an SRM panel observer.

m. Notify AOV of all planned inspections, audits, assessments, and evaluations. AOV may, at its discretion, participate as observers.

n. Ensure that ATO SMS requirements are met when other FAA organizations make changes to FAA safety standards that can result in ATO accepting safety risk.

o. Serve as the primary interface with AOV on VSRPs as follows:

   (1)   ATO and AOV must jointly review the MOU or MOA between ATO, AOV, and either NATCA or PASS to ensure that it satisfies the guidance contained in FAA orders and other agreements as applicable. Any amendments to an MOU or MOA between ATO, AOV, and either NATCA or PASS that has already been accepted must be coordinated with the AOV Executive Director before the ATO service area director signs it.

   (2)   ATO must inform AOV about safety issues that arise from other VSRPs in accordance with orders and MOUs.

p. Establish and maintain an ATO-wide program to facilitate a proactive, predictive approach to risk management.

3. Other FAA Organizations. Other FAA organizations must comply with ATO SMS requirements when making changes to FAA safety standards that can result in ATO accepting safety risk.

4. Safety Council. The Safety Council is a forum for executives and senior managers from ATO service units and AOV to discuss safety issues and concerns.

Chapter 3. Safety Management System Requirements

1. ATO SMS.

    a.   ATO must develop and maintain an SMS. Changes to the ATO SMS Manual; the ATO Safety Risk Management Guidance for System Acquisitions; FAA Order JO 1030.1, *Air Traffic* Organization *Safety Guidance*; FAA Order JO 1000.37, *Air Traffic Organization Safety Management System*; or any other ATO-initiated orders, notices, or ATO Safety Guidance affecting the ATO SMS require prior AOV approval.

    b.   The ATO SMS must be in accordance with the requirements in this Order; FAA Order 8000.369; FAA Order 8040.4, *Safety Risk Management Policy*; FAA Order 8040.6, *Unmanned Aircraft System Safety Risk Management Policy*; and in alignment with ICAO Annex 19.

    c.   On March 14, 2005, FAA Order 1100.161 accepted the state of the NAS as the baseline for safety oversight. Acceptance of the baseline means that compliance with the ATO SMS is required for all changes and detected high-risk hazards to the NAS. Baseline details are in Appendix C.

2. SMS Components. The ATO SMS must include the four SMS components: Safety Policy, Safety Risk Management (SRM), Safety Assurance, and Safety Promotion.

3. Safety Policy. All elements of ATO (excluding Flight Program Operations)[1] are bound by ATO SMS requirements. ATO must:

    a. Assign resources to execute their SMS. The following are the minimum requirements:

    (1)   ATO must maintain an organization that has the necessary competent personnel, procedures, facilities, and equipment to meet this Order's requirements and to develop, operate, and support the ATO SMS.

    (2)   ATO must maintain an ATO safety service consisting of at least a manager responsible for developing and maintaining their SMS.

    (3)   ATO must maintain a safety service that must be organizationally independent from the service delivery portion of ATO.

    b.   Develop, implement, and maintain a standard ATO safety performance management process. ATO must:

    (1)   Monitor and assess ATO's safety performance and ATO SMS effectiveness.

    (2)   In coordination with AOV, develop and maintain specific safety objectives and policies aimed at managing ATO's safety risk and support larger safety objectives established under the FAA's safety performance objectives.

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[1] Flight Program Operations adheres to a separate SMS per Title 14 of the Code of Federal Regulations, Part 5, Safety Management Systems.

c. In coordination with AOV, develop and maintain ATO safety plans that, at a minimum, must:

(1) Address NAS safety and the ATO SMS.

(2) List safety objectives, policies, safety performance indicators, and safety performance targets. See Chapter 3, paragraph 3b (2), above.

(3) Identify and describe the metrics that will be used to officially report safety performance to organizations or entities outside ATO.

(4) Be made available for AOV upon publication.

d. Ensure that there is a documented and auditable process to manage, conduct, and record the training, certifications, and ratings FAA or ATO policy requires for all employees performing safety-related duties.

e. Ensure that all contractors performing safety-related duties maintain a training and qualification program that meets or exceeds all pertinent FAA requirements.

f. Develop and maintain operational contingency plans for every ATO facility per FAA JO 1900.47, *Air Traffic Control Operational Contingency Plans*.

g. Facility Security plans must provide for the safe transition from normal to emergency operations in accordance with all applicable requirements in FAA Order 1600.69, *FAA Facility Security Management Program.* The plans must have a documented approval process. As part of the ATO's safety policy, the plans must address at least the following:

(1) Delegation of emergency authority throughout the relevant organization

(2) Assignment of employee responsibilities during the emergency.

(3) Coordination of ATO's plans with the emergency response plans of other organizations it must interface with while providing its services

4. Safety Risk Management. The ATO's SMS must develop, maintain, and use a formal, documented methodology to provide critical data and information for decision makers by identifying hazards, analyzing safety risk, assessing safety risk, and mitigating safety risk to an acceptable level.

a. ATO must use SRM for implementing new systems, revising existing systems, developing or revising operational procedures, and for hazards or ineffective risk controls identified through Safety Assurance processes.

(1) When conducting SRM, ATO must determine if hazards with acceptable risk (i.e., medium- and low-risk) can be further mitigated.

(2) All identified hazards impacting ATO operations must be tracked.

b. ATO must conduct the SRM process at the appropriate level of complexity and rigor for the potential hazard's scope and immediacy. New systems; changes to existing systems; and new or revised operational procedures, including those at the local level, can only be implemented after the SRM process indicates the change will meet or exceed the defined acceptable safety level. During the SRM process, ATO must examine and analyze all related hazards, including existing hazards. The existing hazards must be examined to validate that their risk level has not increased and to determine if additional mitigation is warranted.

c. Decisions relating to using the SRM process must be documented. Decisions relating to the results of the SRM process must be documented. The documentation must identify the equipment, systems, and services included as a mitigation or an existing control. Though not all NAS changes will require SRM, the decision and justification to forego performing SRM is a safety decision and must be documented.

d. Tactical decision-making in the field, even involving significant safety risk, may require such rapid decision-making that completing an immediate formal SRM process may not be feasible before a decision is implemented. In this case, a delayed formal SRM process must be performed as soon as feasible. If it appears a high-risk hazard may exist, the appropriate official must accept the risk or stop the operation.

e. The SRM process must include a monitoring plan to evaluate identified safety-critical parameters during the initial operational implementation and after the initial operational implementation is completed. The measurements must consider the actual operating environment in order to validate that the predicted performance is being realized and, therefore, the original SRM results remain valid.

f. SRM is a process within the SMS composed of describing the system; identifying the hazards; and analyzing, assessing, and controlling risk.

(1) When high-risk hazards are identified in the SRM process:

(a) ATO must mitigate all high-risk hazards to low- or medium-risk. If a high-risk hazard cannot be mitigated to an acceptable level, the system, service, or operation must not be allowed into the NAS.

(b) Existing high-risk hazards identified during Safety Assurance functions must also be processed in accordance with FAA directives, orders, notices, and manuals.

(c) AOV must approve controls that mitigate or eliminate initial or existing high-risk hazards before ATO can implement the change.

(d) ATO must ensure that information on Aerospace System Level safety issues, as defined in FAA Order 8040.4, is shared within the Hazard Identification Risk Management Tracking System for increased awareness and visibility across FAA lines of business.

(2) ATO may accept medium-risk or low-risk hazards. ATO must develop and maintain a documented process for accepting medium-risk or low-risk hazards and for approving new mitigations for medium-risk or low-risk hazards.

(3)   When new mitigations go outside ATO (e.g., the Associate Administrator for Airports or AVS), the designated management officials within each affected line of business must approve the mitigations before AOV can accept them. For existing mitigations, a service office representative's presence on the panel and subsequent SRM document coordination through appropriate channels indicates approval.

(4)   ATO must inform other affected FAA lines of business when ATO accepts medium or low risks.

(5)   ATO must develop and maintain a hazard tracking system in which all identified hazards impacting ATO operations are tracked and monitored and must provide continuous AOV access to the information.

5.   Safety Assurance. ATO must include Safety Assurance functions to monitor NAS data and information to determine the existence of unknown hazards, ineffective safety risk controls, or instances of nonconformance with requirements intended to control safety risk.

a. Safety Assurance must incorporate internal oversight, evaluation, and quality assurance, which, at a minimum, must include:

(1)   Regularly scheduled internal ATO air traffic control, technical operations and maintenance, acquisition programs, and ATO flight program operations inspections.

(2)   Internal ATO air traffic control, technical operations and maintenance, acquisition programs, and flight program operations spot inspections conducted by a party independent of the service organization that is inspected.

(3)   Developing minimum NAS service-level availability requirements, which includes validating and verifying these requirements for new systems and services entering the NAS, and hardware or software improvements to existing systems.

(4)   Monitoring and validating NAS service availability standards, which includes comparing fielded service availability performance within the standards.

(5)   ATO SMS performance and operations audits and assessments.

(6)   A defined decision-making process for implementing corrective actions that result from Safety Assurance activity findings.

(7)   Internal ATO executive management review of the results, findings, and corrective actions.

(8)   Data and information collection from the NAS on safety occurrences.

b. Safety Assurance must assess ATO SMS effectiveness in improving NAS safety. ATO must:

(1)   Collect, track, and analyze safety data and information, to include:

(a)   Air traffic occurrences.

(a)   ATO-related accident rates.

(b)   Missed required equipment periodic maintenance.

(c)   Expired equipment certifications.

(d)   Missed or delayed flight inspections.

(e)   Failure to mitigate high-risk hazards identified as part of the SRM process.

(f)   Results of internal audits, assessments, and surveys conducted in the internal oversight, evaluation, and quality assurance programs.

(g)   Prevalence of inaccurate or corrupt data and information.

(h)   Wrong Surface Operational events.

(i)   Operational events where disseminating safety information is a contributing factor.

(j)   Loss of, or interruptions to, systems or services used to provide air navigation services.

(2)   Compare safety data and information to past baselines in its analysis when past baselines are available. ATO must establish baselines where none exist.

(3)   Use safety performance to demonstrate that ATO is meeting the safety objectives outlined in ATO safety plans. See Chapter 3, paragraph 3c.

(4)   When safety performance analysis points to a safety issue, take action to mitigate the issue and perform ongoing analyses to assess whether safety performance targets are met.

(5)   Document the ATO SMS maturity level assessment process.

(6)   Regularly monitor, assess, and document the ATO SMS maturity level achieved.

c.   ATO must develop and maintain the means to verify the organization's safety performance and to validate safety risk controls' effectiveness through information collection, analysis, and assessment.

(1)   ATO must verify its safety performance in reference to the safety performance indicators and safety performance targets of the SMS that support the organization's safety objectives.

(2)   ATO must periodically assess the safety risk controls' effectiveness for hazards identified during the SRM process.

(3)   ATO must validate the effectiveness of CAPs in achieving desired results.

6. **Safety Promotion.** ATO must:

a.   Report and share ATO SMS activities and results within ATO and with AOV.

b.   Provide employees training to perform their specific job functions in accordance with current directives.

c.   Test employees' proficiency in their safety-related responsibilities and deal with deficiencies in an effective and timely manner.

d.   Provide SRM training to all personnel involved in executing the ATO SMS.

e.   Develop, implement, and maintain a positive safety culture based on effective policies that hold all employees responsible for the aspects of safety for which they have control.

Chapter 4. Safety Standards

1.   General. This chapter describes the safety standards under which ATO must operate.

   a.   Changes to the standards described in this chapter may require prior AOV approval or acceptance, as indicated in the relevant sections.

   b.   Waivers or authorizations to separation standards require prior AOV approval.

   c.   ATO must ensure that contractors performing duties listed in this chapter adhere to the identified safety standards.

2.   Acquire and Implement NAS Systems and Services. Includes new systems and services, as well as hardware and software modifications to existing systems and services.

   a.   Organization. ATO must maintain organizations for FAA infrastructure programs that have the necessary competent personnel, procedures, and processes for program and acquisition management. These organizations must be used to transform, modernize, and sustain the NAS in accordance with the FAA Acquisition Management System, Configuration Control Change Board policies and procedures, the ATO's SMS Manual, and Safety Risk Management Guidance for System Acquisitions. Relevant NAS systems and services include, but are not limited to, air traffic management; communications, navigation, and surveillance systems; aeronautical information services; aeronautical information management (including the originator of data and information used in the NAS); meteorological services for air navigation; and activities within ATO to monitor and support search and rescue.

   b.   Operations. ATO must assess new systems, services, and modifications in accordance with FAA Acquisition policies, the ATO SMS Manual, FAA SMS policies, and in alignment with ICAO SARPs (excluding filed differences). ATO must validate and verify the safety requirements identified during the SRM process before deployment and full operational use.

3.   Air Traffic Management. This term encompasses air traffic services, air traffic flow management, and airspace management.

   a. Organization. ATO must maintain organizations that have qualified personnel, procedures, and processes for:

      (1)   Providing air traffic services in the NAS.

      (2)   Providing air traffic flow management.

      (3)   Managing sovereign airspace and delegated international airspace.

   b.   Operations.

      (1)   The air traffic control services ATO provides, and each person or provider with whom it arranges to perform that work, must be in accordance with Federal Aviation

Regulations; FAA directives, orders, and manuals; and in alignment with appropriate ICAO SARPs (excluding filed differences).

(2)   Sovereign airspace and airspace in which ATO has been delegated the responsibility for service provisions must be managed in accordance with all appropriate Federal Aviation Regulations; FAA directives, orders, and manuals; and in alignment with ICAO SARPs (excluding filed differences).

c.   Personnel Qualifications, Training, Certification, and Credentialing.

(1)   ATO must ensure that any person performing direct safety-related air traffic control services for ATO (including contractors) is qualified, trained, certified, and authorized to do so in accordance with orders, manuals, policies, and AOV's Credentialing and Control Tower Operator Certification Programs.

(2)   ATO and any organization to which ATO has delegated responsibility to provide air traffic control services must establish and maintain a training program to ensure that each person (including inspection or evaluation personnel who determine the adequacy of work done) is fully informed about existing and new procedures, techniques, and equipment, and is competent to perform their duties. ATO must:

(a)   Maintain a training program that meets the requirements described in this Order such that each person in a safety-related position is trained to perform their assigned duties.

(b)   Provide training facilities and qualified instructors.

(c)   Provide and keep current with respect to each service type, appropriate training material, examinations, forms, instructions, and procedures to use to conduct training and evaluations.

(d)   Provide appropriate staffing to conduct required technical training.

(e)   Ensure each supervisor responsible for a particular employee's course of training or competence evaluation (or their designee) certifies the employee's proficiency and knowledge upon completing the training or the competence evaluation. That certification must be made a part of the employee's training or certification record.

(f)   Obtain AOV acceptance for changes to personnel certification requirements.

d.   Operational and Procedural Orders, Handbooks, Notices, and Documents.

(1)   ATO must prepare and keep current orders, handbooks, notices, and documents that delineate procedures, standards, and processes to provide air traffic control services and manage personnel while conducting operations.

(2)   ATO has the delegated authority to make changes to those orders, handbooks, notices, and documents within the existing standards. However, changes, waivers, or

authorizations to any provisions in orders, handbooks, and documents, including FAA Order JO 7110.65, that pertain to separation standards require AOV's prior approval.

4. **Equipment and Facility Maintenance.**

a. Organization.

(1) ATO must maintain organizations with qualified personnel, procedures, and processes for managing, supporting, and modernizing the NAS infrastructure and supporting legacy NAS systems and services.

(2) ATO must maintain organizations with qualified personnel, procedures, and facilities and equipment (including spare parts, test equipment, supplies, and materials) to properly service, maintain, and perform preventive maintenance within the NAS.

b. NAS equipment availability program.

(1) ATO must have a NAS equipment availability program. This program must define the required availability for all safety-critical NAS equipment and services used to provide air traffic services and methods to measure and report achieved availability on a regular basis.

(2) Any change to the NAS equipment availability program requires AOV's prior approval.

c. Personnel Qualifications, Training, Certification, and Credentialing.

(1) ATO must ensure any person or provider performing required direct safety-related maintenance, inspections, or evaluations is qualified, trained, certified, and authorized to do so in accordance with orders, manuals, policies, and AOV's Credentialing and Control Tower Operator Certification Programs, including FAA Order 8000.90.

(2) ATO, and any organization to which ATO has delegated responsibility to provide maintenance or preventative maintenance functions, must have a training program to ensure that each person (including inspection or evaluation personnel who determine the adequacy of work done) is fully informed in the procedures, techniques, new equipment, and services in use, and is competent to perform their duties. ATO must:

(a) Maintain a maintenance training program such that each person in a safety-related position is trained to perform their assigned duties.

(b) Provide training facilities and qualified instructors to conduct the training.

(c) Provide and keep current, with respect to each system type, appropriate training material, examinations, forms, instructions, and procedures to conduct the training.

(3) Each supervisor (or their designee) who is responsible for a particular employee's course of training or performance evaluation must certify the employee's proficiency and

knowledge upon completing that training or check. That certification must be made a part of the employee's training and certification record.

(4)   Each person directly responsible for certifying ATO facilities, systems, services, or examinations or for conducting on-the-job training must hold an appropriate and relevant ATO certification in accordance with FAA Order JO 3000.57, *Air Traffic Organization Technical Operations Training and Personnel Certification*. Changes to the personnel certification requirements contained in FAA Order JO 3000.57 require AOV's acceptance.

d.   Maintenance Operations and Technical Manuals.

(1)   ATO must prepare, keep current, and comply with applicable maintenance and technical manuals. These manuals must delineate procedures, standards, and processes for equipment, services, facility maintenance, and technical personnel management while conducting operations.

(2)   Changes to FAA Order 6000.15, *General Maintenance Handbook for National Airspace System (NAS) Facilities*, regarding certification criteria, require AOV acceptance.

e.   NAS equipment parts program. ATO must develop and maintain a NAS equipment parts program. The program must track and maintain an adequate supply of serviceable parts to maintain equipment and service availability.

5.   Flight Inspections.

a.   Organization. ATO must maintain organizations with the qualified personnel, procedures, facilities, equipment, and services necessary for proper flight inspections for the systems that comprise the NAS.

b.   Personnel Training and Certification. Personnel performing flight inspection responsibilities must be trained and certified in accordance with FAA Order JO 8240.3, *Certification of Flight Inspection Personnel*. Changes to personnel certification requirements contained in this Order require the Flight Standards Service's (FS) prior approval and AOV's acceptance.

c.   Operational and Procedural Orders, Handbooks, and Documents. ATO must prepare and keep current orders, handbooks, technical issuances, temporary flight inspection guidance, and documents that delineate procedures, standards, and processes to provide flight inspection services and personnel management. These must conform to FAA Order 8200.1, *United States Standard Flight Inspection Manual*; Flight Program Operations Safety Management System Manual; applicable ICAO SARPs (excluding filed differences); and North Atlantic Treaty Organization (NATO) Standardization Agreement 3374, *Flight Inspection of NATO Radio/Radar Navigation and Approach Aids*.

d.   Changes to FAA Orders. Changes to any FAA Order 8200 series concerning the Flight Inspection areas listed below require FS's prior approval and AOV's acceptance.

(1)   Flight inspector authority and responsibilities.

(2)   Facility status classification and issuing Notices to Air Missions (NOTAMs).

(3)   Records and reports.

(4)   Extensions for inspection periodicity or intervals.

(5)   Changes in established tolerances or tolerances for proposed new equipment or functionality.

(6)   Changes in required checklist items for specific system areas to be inspected.

(7)   Changes in the procedures for evaluating safety and flyability for instrument flight procedures.

6.   Aeronautical Information Products and Services. Aeronautical information services, as defined in ICAO Annex 15, *Aeronautical Information Services*, are responsible for providing aeronautical data and aeronautical information necessary for safe, regular, and efficient air navigation.

   a.   Organization. ATO must maintain organizations with qualified personnel, procedures, and processes to:

(1)   Develop, maintain, and deliver flight procedures, aeronautical charts, digital data sets, and related products and services.

(2)   Conduct obstruction evaluations.

(3)   Develop, document, and operate systems necessary to evaluate and issue NOTAMs.

   b.   Personnel Qualifications, Training, Certification, and Credentialing.

(1)   Any person who designs or certifies instrument flight procedures must be qualified, trained, and certified in accordance with standards that FS established or approved and AOV accepted. Any changes to the training, qualification, and certification standards also require prior FS approval and AOV acceptance.

(2)   ATO must ensure that no person, in ATO or under contract to ATO, provides safety-critical aeronautical information or services unless qualified, trained, certified, and authorized to do so in accordance with ATO manuals, policies, and AOV's Credentialing and Control Tower Operator Certification programs.

(3)   Changes to the AIS Credentialing Standard Operating Procedure and changes to the training, qualification, and certification standards require prior FS approval and AOV acceptance.

   c.   Operational and Procedural Orders, Handbooks, and Documents. All orders, handbooks, documents, etc., developed as part of this section must be in conformance with FAA orders, ATO SMS requirements, and applicable ICAO SARPs (excluding filed differences).

(1) Flight procedures and flight procedure NOTAMs must be developed and maintained in accordance with the appropriate FAA orders and with the policies and criteria that FS issues.

(2) Obstruction evaluation must be conducted in accordance with the appropriate Federal Aviation Regulations and FAA orders.

(3) NOTAMs must be developed, maintained, and managed in accordance with the appropriate FAA orders and policies.

(4) Charting must be accomplished in accordance with Interagency Air Committee specifications.

d. ATO must implement and maintain quality management systems encompassing all functions of an AIS. The quality management systems must be in conformance with FAA orders, ATO SMS requirements, and applicable ICAO SARPs (excluding filed differences).

7. Flight Services.

a. Organization. ATO must maintain organizations with qualified personnel, procedures, and processes to provide preflight, in-flight, and postflight information services.

b. Personnel Training and Certification. Any person in ATO, or under contract to ATO, who performs flight service functions must be qualified, trained, and certified in accordance with FAA Order JO 7110.10, *Flight Services*; FAA Order JO 3120.4, *Air Traffic Technical Training*; FAA Order JO 7220.4, *FAA Certification of Pilot Weather Briefer*; and FAA Order 7930.2, *Notice to Air Missions*. ATO must maintain a training program to ensure each person is competent to perform their duties. ATO must:

(1) Maintain a training program that meets the requirements described in this Order such that each person in a safety-related position is trained to perform their assigned duties.

(2) Provide training facilities and qualified instructors.

(3) Provide and keep current with, for each service type, appropriate training material, examinations, forms, instructions, and procedures to conduct training and evaluations.

(4) Ensure each supervisor (or their designee) responsible for a particular employee's course of training certifies the employee's proficiency and knowledge upon completing the training evaluation. That certification must be made as part of the employee's training or certification record.

c. Operational and Procedural Orders, Handbooks, and Documents. All orders, handbooks, documents, etc., developed as part of this section must be in conformance with Federal Aviation Regulations, FAA orders, ATO SMS requirements, and applicable ICAO SARPs (excluding filed differences).

8. Data and Information Management. Data and information management (both operational and safety) must be conducted in accordance with the applicable laws, FAA orders, policies, manuals, and appropriate ICAO SARPs (excluding filed differences).

Chapter 5. Compliance Program

1. Purpose. This chapter describes the processes by which AOV and ATO must work to resolve noncompliance or nonconformance issues. This is consistent with the guidance in FAA Order 8000.373, *Federal Aviation Administration Compliance Program,* and FAA Order 2150.3, *FAA Compliance and Enforcement Program.*

2. Compliance Process Overview.

  a. AOV identifies ATO noncompliance or nonconformance through safety oversight activities or third parties (e.g., National Transportation Safety Board, Offices of the Inspectors General, whistleblowers). ATO can voluntarily disclose issues of noncompliance or nonconformance.

  b. AOV must inform ATO of the noncompliance or nonconformance issue for corrective action and resolution.

  c. ATO must provide AOV with a written acknowledgment of the noncompliance or nonconformance when requested and take action to address the issue.

  d. When AOV requires ATO to provide a CAP to address a noncompliance or nonconformance issue:

    (1) ATO must provide a CAP that addresses the corrective actions, provides an implementation schedule, and provides milestone updates.

    (2) AOV must review the CAP for completeness and acceptability.

    (3) Once AOV accepts the CAP, ATO must provide periodic updates on the corrective actions taken to address the issue and inform AOV when the CAP is fully implemented.

    (4) ATO must inform AOV when adjustments to the CAP are necessary.

  e. When AOV does not require ATO to provide a CAP to address a noncompliance or nonconformance issue, ATO must:

    (1) Review the issue, take corrective action, and resolve the noncompliance or nonconformance issue.

    (2) Provide AOV with written documentation when the actions are complete and the issue is resolved.

  f. AOV must continue to track and monitor all noncompliance or nonconformance issues until ATO resolves the noncompliance or nonconformance.

3. Resolution. ATO resolves a noncompliance or nonconformance issue when AOV agrees that:

    a. The noncompliance or nonconformance has returned to compliance with requirements.

OR

    b. The requirements or guidance have been changed or adjusted in accordance with safety standards so that the issue of noncompliance or nonconformance is no longer valid.

OR

    c. ATO accepted the noncompliance or nonconformance risk as outlined in Chapter 3 of this Order.

4. **AOV Voluntary Disclosure Policy.** Guidance concerning the AOV Voluntary Disclosure Policy can be found in Safety Oversight Circular 09-08, *Guidance Regarding the Air Traffic Safety Oversight Service Voluntary Disclosure Policy.*

5. **Additional Compliance Guidance.** Additional guidance about the Compliance Program can be found in Safety Oversight Circular 13-13, *Corrective Action Plan Development and Acceptance in Response to Safety Compliance Issues.*

Chapter 6. Safety Oversight Circulars (SOCs)

1. Purpose. Safety Oversight Circulars (SOCs) provide guidance material to ATO for complying with FAA, AVS, and AOV directives.

    a. SOCs contain safety-related information.

    b. A SOC may have information alone, a combination of information and guidance material, or recommended actions for ATO to meet directive requirements.

    c. When the ATO follows the AOV SOCs, possible problems will be identified and resolved early in the process, and AOV approvals will be expedited.

2. SOC Announcements. AOV will announce newly posted SOCs by email notifications to appropriate stakeholders in FAA Headquarters and post them on the [MyFAA website on the AOV page (https://my.faa.gov/org/linebusiness/avs/offices/aov.html)](https://my.faa.gov/org/linebusiness/avs/offices/aov.html).

Appendix A. Definitions

Note: In cases where both FAA and AOV definitions are provided for the same term, the AOV definition is provided as an expansion of the FAA definition to facilitate understanding when communicating within AOV and ATO.

Acceptance. The process whereby the regulating organization has delegated the authority to the service provider to take actions within the confines of approved standards and only requires the service provider to notify the regulator of those actions no more than 30 calendar days after the action. Actions taken by the service provider in accordance with their delegated authority can be made without the regulator's prior approval.

Air Navigation Services. This term includes air traffic management; communications, navigation, and surveillance services; aeronautical information services/aeronautical information management (AIS/AIM); meteorological services for air navigation; and search and rescue.

Approval. The formal act of responding favorably to a change a requesting organization has submitted. This action is required before the proposed change can be implemented.

Audit. See FAA Order 8000.369.

Compliance. See FAA Order 8000.72.

Concurrence. An act whereby organizations seek consensus for a proposed change. Actions not requiring "approval" or "acceptance."

Control. See FAA Order 8000.369.

Control Tower Operator Certification Program. A program for issuing Control Tower Operator Certificates as described in FAA Order 8000.90.

Corrective Action. See FAA Order 8000.369.

Corrective Action Plan (CAP). Documentation of the interim mitigations, factors, corrective action strategies, and methods of verification planned for resolving a safety compliance issue. It must include dates of completed actions and/or expected dates for completing all actions.

Credentialing Program. A program for issuing and amending credentials as described in FAA Order 8000.90.

Difference. A variation, by the FAA, from ICAO standards, recommended practices, appendices, definitions, tables, figures, or procedures contained in PANS or Regional Supplementary Procedures. A difference is categorized as an FAA regulation or procedure that exceeds, complies differently, or is less protective.

- **Significant Difference.** Any deviation from ICAO procedures contained in PANS or Regional Supplementary Procedures that need to be taken into account in aircraft operations or air navigation services.

Direct Safety-Related. Organizations, personnel, or activities that are safety-related and require credentialing or certification by the FAA. This includes but is not limited to: air traffic control; certification on certifiable systems, subsystems, or services in support of the NAS; aeronautical information specialists; flight inspection personnel; and flight services.

Hazard.

- FAA Definition. See FAA Order 8040.4.

- AOV/ATO Definition. Any real or potential condition that can cause injury, illness, or death to people; damage to or loss of a system, equipment, or property; or damage to the environment. A hazard is a prerequisite to an accident or incident.

Independent Safety Oversight. Safety oversight conducted free from the influence, control, or determination of the organization subject to the oversight.

Maintenance. Any repair, adaptation, upgrade, or modification of NAS equipment, facilities, or services. This includes periodic maintenance.

Mitigate. The process of incorporating defenses, preventive controls, or recovery measures to lower the severity or likelihood of a hazard's projected consequence.

Mitigation. See FAA Order 8000.72.

National Airspace System (NAS). See FAA Order 8000.369.

Noncompliance. See FAA Order 8000.72.

Nonconformance. See FAA Order 8000.72.

Occurrence. See FAA Order JO 7210.632.

Originator (aeronautical data or aeronautical information). An entity that is accountable for data or information origination or from which the AIS organization receives aeronautical data and aeronautical information.

Requirement. See FAA Order 8000.72.

Safety. See FAA Order 8000.369.

Safety Assurance. See FAA Order 8000.369.

Safety-Critical. See FAA Order 8000.72.

Safety Culture. See FAA Order 8000.369.

Safety Data. A defined set of facts or set of safety values collected from various aviation-related sources that is used to maintain or improve safety.

Safety Directive. A mandate from AOV to ATO to take immediate corrective action to address a noncompliance or nonconformance issue that creates a significant unsafe condition.

Safety Information. Safety data processed, organized, or analyzed in a given context to make it useful for safety management purposes.

Safety Issue. See FAA Order 8040.4.

Safety Management System (SMS). See FAA Order 8000.369.

Safety Management System Maturity Level. Determination of how effectively the ATO SMS is working. It includes evaluating if the SMS is operating as intended and if it is effective at achieving its stated safety objectives and targets.

Safety Objective. See FAA Order 8000.72.

Safety Oversight. See FAA Order 8000.72.

Safety Performance. See FAA Order 8000.369.

Safety Performance Indicators. Metrics used for monitoring and assessing safety performance.

Safety Performance Management Process. The process to provide an organization with the means to determine whether its activities and processes are working effectively to achieve its safety objectives. (NOTE: See Chapter 4 (Safety Performance Management), ICAO Doc 9859, *Safety Management Manual*, for examples).

Safety Performance Target.

- FAA Definition. See FAA Order 8000.72.

- AOV Definition. A planned or intended measurable target for a safety performance indicator over a given period that aligns with the safety objectives.

Safety Policy. See FAA Order 8000.369.

Safety Promotion. See FAA Order 8000.369.

Safety Risk. See FAA Order 8000.369.

1. Types of Safety Risk

    (1) **Initial Risk.** See FAA Order 8040.4.

    (2) **Current Risk.** The predicted severity and likelihood of a hazard at the current time. When determining current risk, both validated controls and verified controls may be used in the

risk assessment. Current risk may change based on decision-makers' actions that relate to validating and/or verifying the controls associated with a hazard.

(3) **Residual Risk.** The remaining risk that exists after all control techniques have been implemented or exhausted, and all controls have been verified. Only verified controls can be used to assess residual risk.

2. Levels of Safety Risk

(a) **High Risk.** See FAA Order 8040.4.

(b) **Medium Risk.** See FAA Order 8040.4.

(c) **Low Risk.** See FAA Order 8040.4.

Safety Risk Control. See FAA Order 8000.369.

Safety Risk Management (SRM). See FAA Order 8000.369.

Safety Warning Notice. A notice that brings to ATO's attention that immediate action is required to correct a significant unsafe condition. It warns that if the issue is not corrected, a Safety Directive mandating specified action must be issued. In emergency situations, where time does not permit issuing a safety warning notice, a Safety Directive may be issued without a safety warning notice.

Service Provider. See FAA Order 8000.369.

Severity. See FAA Order 8000.369.

Stakeholder. See FAA Order 8000.72.

System. See FAA Order 8000.369.

Validation. See FAA Order 8000.72.

Verification. See FAA Order 8000.72.

Voluntary Safety Reporting Program. See FAA JO Order 7200.20.

Appendix B. Acronyms List

AIM	Aeronautical Information Management
AIS	Aeronautical Information Services
AOV	Air Traffic Safety Oversight Service
AOV-1	Executive Director, Air Traffic Safety Oversight Service
ATO	Air Traffic Organization
AVS	Aviation Safety
AVS-1	Associate Administrator for Aviation Safety
CAP	Corrective Action Plan
FAA	Federal Aviation Administration
FS	Flight Standards Service
ICAO	International Civil Aviation Organization
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAS	National Airspace System
NATCA	National Air Traffic Controllers Association
NATO	North Atlantic Treaty Organization
NOTAM	Notice to Air Missions
PANS	Procedures for Air Navigation Services
PASS	Professional Aviation Safety Specialists
SARPs	Standards and Recommended Practices
SMS	Safety Management System
SOC	Safety Oversight Circular
SRM	Safety Risk Management
VSRP	Voluntary Safety Reporting Program

Appendix C. History

1. In June 2000, the National Transportation Safety Board issued Safety Recommendation A-00-36 to the Federal Aviation Administration (FAA), recommending that an internal FAA oversight function independent of the Air Traffic Service be established to evaluate reported safety-related events for potential air traffic control performance deficiencies.

2. On November 1, 2001, the International Civil Aviation Organization (ICAO) adopted an amendment obligating States to implement formal safety management procedures for air traffic services systems by November 2003.

3. In November 2003, the FAA reorganized and established ATO as a performance-based organization.

4. In recognition of the emphasis placed on ATO's mission to improve capacity and efficiency within the National Airspace System (NAS), the Administrator deemed it necessary to ensure that a commensurate level of emphasis is placed on NAS safety. To this end, the Administrator created the Air Traffic Safety Oversight Service (AOV) and assigned this service the responsibility for independent safety oversight of ATO as the primary air navigation service provider. This action aligns the FAA with ICAO guidance with AOV filling the role of "regulatory authority" referenced in ICAO Doc 9734 Part A, *The Establishment and Management of a State Safety Oversight System*:

3.3.4 Establishment of service providers

3.3.4.1 Whether or not the provision of ANS and/or the operation of aerodromes is vested outside the Civil Aviation Authority (CAA), States have to ensure effective and independent safety oversight by the CAA in its role as the regulator. A clear separation of functions and responsibilities between the regulatory authority and the service provider needs to be established, including mechanisms to avoid perceived, potential or actual conflicts of interest.

3.3.4.2 The regulatory authority and service providers should not overlap in structure, responsibility or function. In particular, for the regulatory authority to be able to take effective and independent actions, including enforcement action, if necessary, the regulatory authority and service provider should not report to the same higher level management, unless the State can demonstrate that a "functional" separation has robust checks and balances, and there is no possibility of conflict of interest, including when enforcement action is taken.

5. On March 14, 2005, FAA Order 1100.161, *Air Traffic Safety Oversight*, accepted the NAS as the baseline for safety oversight. The following items were considered part of that acceptance:

a. All safety standards contained in written directives, orders, and procedures; airspace and surface areas under the control of ATO; and the existing navigational and air traffic control systems and services. Acceptance of the baseline did not imply or state that the NAS was or was

not inherently safe as configured on that date, nor did it imply that the NAS had no existing high risks. The acceptance of the baseline meant that compliance with the ATO Safety Management System (SMS) was required for all NAS changes.

    b. The existing ATO personnel training and certification system. The existing documented processes, procedures, and methods for certifying personnel were accepted as the starting point for determining the qualifications for ATO personnel performing direct safety-related air traffic control services or certification on certifiable systems, subsystems, equipment, or services supporting the NAS.

6. When aeronautical information services (AIS) was added to the Credentialing program, the corresponding existing personnel training and certification system was also accepted as the baseline. The existing documented processes, procedures, and methods for certifying personnel have been accepted as the starting point for determining the qualifications for ATO personnel providing safety-critical aeronautical information or services to support the NAS.

7. The report from the National Airspace System Safety Review Team: Discussion and Recommendations to Address Risk in the National Airspace System, November 2023, provided recommendations related to AOV's safety oversight of ATO. The two recommendations related to AOV are addressed in the memo from the FAA Administrator, Subject: Delegation of Authority for Safety Oversight of Air Traffic Organization, dated December 5, 2023 (copy at Appendix D). The memo from the FAA Administrator establishes the following:
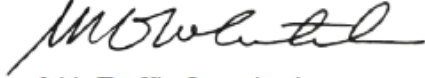
    a. It reiterates the specific delegation of authority to AVS-1, and further redelegation to AOV-1, for safety oversight of ATO.

    b. It designates that AOV-1 is a dual direct report to the Administrator and AVS-1.

Appendix D. Memorandum, FAA Administrator, Subject: Delegation of Authority for Safety Oversight of Air Traffic Organization, Dec 5, 2023

Federal Aviation Administration

Memorandum

Date: December 5, 2023

To: David H. Boulter, Associate Administrator for Aviation Safety, AVS-1

From: Michael G. Whitaker, Administrator, AOA

Subject: Delegation of Authority for Safety Oversight of Air Traffic Organization

Effective December 5, 2023, and in accordance with 49 United States Code §106 (f)(2)(C), this memorandum documents the specific delegation of authority to the Associate Administrator for Aviation Safety (AVS-1) and further redelegation to the Executive Director of the Air Traffic Safety Oversight Service (AOV-1), for safety oversight of the Air Traffic Organization (ATO).[1]

Until such time as Federal Aviation Administration (FAA) Order 1100.1C, Order 1100.1C – *FAA Organization – Policies and Standards*, is changed or revised to formalize the delegation of authority and supersede this memorandum, the Executive Director, Air Traffic Safety Oversight Service (AOV-1) will be a dual direct report to the Administrator and the Associate Administrator of Aviation Safety.

As noted in the National Airspace System (NAS) Safety Review Team Report, *Discussion and Recommendations to Address Risk in the National Airspace System*, the lack of a documented delegation of safety oversight authority and current reporting structure results in an organizational imbalance that "impedes both effectiveness and clarity with regard to AOV's role, responsibilities, and authority."[2]

I concur with the recommendation PI.1[3] from the NAS Safety Review Team regarding this dual reporting structure, and I direct you to initiate a change to FAA Order 1100.1C by January 31, 2024. This change will clarify AOV's authority to ensure independent and robust oversight of ATO management of risk.

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[1] This delegation of authority is also consistent with and does not impact the delegation of authority to the ATO Chief Operating Officer (COO) enumerated in 49 U.S.C. §106 (r).

[2] NAS Safety Review Team Report at page 10.

[3] NAS Safety Review Team Report Recommendation PI.1: Establish AOV as dual reporting entity, with accountability to both the FAA Administrator and the AVS Associate Administrator. This direct connectivity will resolve any organizational imbalance, while retaining AOV within AVS ensures the application of best practices and standardized administration throughout all FAA safety oversight organizations.

I also concur with recommendation PI.2[4] from the NAS Safety Review Team regarding documentation of AOV authority, roles, and responsibilities, and I direct you to finalize the revision and complete coordination of FAA Order 1100.161B, *Air Traffic Safety Oversight*, by March 31, 2024. Further, I expect you to identify any other directives, policies, or guidance documents that require updates and initiate those changes as soon as possible after the issuance of Order 1100.161B.

As you execute this direction to establish this dual reporting structure for AOV and clarify authority, roles, and responsibilities for safety oversight of the ATO, I expect regular updates so that I can support immediate implementation of these NAS Safety Review Team recommendations

cc: Tim Arel, Chief Operating Officer, Air Traffic Organization, AJO-0
       Nick Fuller, Executive Director, Air Traffic Safety Oversight Service, AOV-1

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[4] NAS Safety Review Team Recommendation PI.2: In furtherance of PI.1 above, clarify, update, and communicate AOV's authority, roles, and responsibilities, and update all applicable orders, including FAA Order 1100.161 *Air Traffic Safety Oversight*.