**U.S. DEPARTMENT OF TRANSPORTATION**
FEDERAL AVIATION ADMINISTRATION

National Policy

**ORDER NUMBER 5280.5D**

Effective Date:
11/7/2016

**SUBJ:** Airport Certification Program Handbook

1 **Purpose.**

This Order provides FAA personnel with the policies, standards, and procedures for conducting the Airport Certification Program. This Order helps ensure standardization and uniformity in the application of the program and in enforcing Title 14 Code of Federal Regulations (CFR), Part 139, *Certification of Airports* (Part 139).

2 **Cancellation.**

This Order cancels Order 5280.5C, *Airport Certification Program Handbook*, dated September 8, 2006.

3 **Application.**

This Order applies to all Airport Certification Safety Inspectors for use in enforcing Title 14 Code of Federal Regulations (CFR), Part 139, *Certification of Airports*.

4 **Distribution.**

This Order is distributed to the division level of the Office of Airport Safety and Standards. the Office of Airport Compliance, and the Office of Airport Planning and Programming; to the branch level of Regional Airports Divisions; to all Airport District Offices; and to the division level of Regional Flight Standards, Air Traffic, Airway Facilities, and Aviation Security offices.

5 **Feedback on this Order.**

If you have suggestions for improving this Order, you may use the Order Feedback form at the end of this Order.

Michael J. O'Donnell
Director, Office of Airport Safety and Standards

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# CHAPTER 1. ADMINISTRATION

## 1.1 Introduction.

### 1.1.1 Responsibilities.

1.1.1.1 The Airport Safety and Operations Division (AAS-300) and the Office of Airport Safety and Standards (AAS) are responsible for the publication, revision, and cancellation of material in this Order.

1.1.1.2 To execute the program properly, each Airport Certification Safety Inspector (ACSI) and Regional Airports (600) Division Manager or Regional Planning and Programming (620) Branch Manager must be thoroughly knowledgeable about the program and conversant with the provisions of the Part 139 regulation and this Order.

**Note:** Not all Regional Offices maintain a 620 Branch Manager position. In such cases, references in this Order to the Regional 620 Branch Manager will apply to the Regional 600 Division Manager.

### 1.1.2 Objectives.

This Order is intended to—

1.1.2.1 Meet the requirements of the Airport Certification Program, in accordance with 49 United States Code (U.S.C.) 40101 and 44706 and 14 CFR Part 139, *Certification of Airports;*

1.1.2.2 Facilitate standardized application of program policies and procedures throughout the Regional offices;

1.1.2.3 Provide current program guidance to ACSIs administering the program;

1.1.2.4 Support Regional management oversight of the Airport Certification Program; and

1.1.2.5 Assist ACSIs as they direct and educate airports on the establishment and maintenance of programs designed to enhance and improve airport safety.

### 1.1.3 Procedures for Updating this Order.

AAS might make additions, revisions, or deletions to this Order to improve the currency, accuracy, and adequacy of the program. Regional 620s and/or ACSIs can submit suggestions for revising the Order along with justifications or rationales for the changes in Memorandum format to AAS-300. The Regional 620 must sign the Memorandum and can send an electronic copy to AAS-300 via email.

### 1.1.4 Definitions.

See 14 CFR § 139.5 of the regulation for a full list of definitions.

## 1.2 Systems for Communicating Information about the Airport Certification Program.

1.2.1 Introduction.

Periodically, AAS-300 must communicate significant changes to the program, clarify the regulation, explain how technological information impacts this program or affects airport safety, or gather information from Regional offices and the airport community. AAS-300 uses various means to communicate and collect program information, including—

1. Policy Guidance (Internal Communication),
2. CertAlerts (External and Internal Communication),
3. Aviation Safety Reporting System (External and Internal Communication), and
4. Runway Safety Program System (Internal Communication).

1.2.2 Policy Guidance.

1.2.2.1 AAS-300 uses Policy Guidance to provide interpretation of Part 139 or the associated Airport 150 series Advisory Circulars to maintain program consistency.

1.2.2.2 Policy Guidance provides interim information that remains in effect until the next edition of this Order is published. Policy Guidance is sequentially numbered, dated, and effective upon receipt.

1.2.2.3 Policy Guidance is distributed to the Director of the Office of Airport Safety and Standards (AAS-1), AAS-300, and Regional Airports Divisions and is made available on the Airports internal employee website.

1.2.2.4 AAS-300 is responsible for developing, updating, and canceling Policy Guidance. However, Regional Division/Branch Managers and ACSIs may recommend new Policy Guidance. (See Paragraph 1.1.3, Procedures for Updating this Order.)

1.2.3 CertAlerts.

1.2.3.1 These publications contain information and updates about airport safety and operations. While non-regulatory in nature, they can be used to disseminate notices of proposed changes in the regulation for airport operators. CertAlerts are numbered by calendar year.

1.2.3.2 AAS-300 distributes CertAlerts to Regional offices and makes them available to the airport community in the Airports section of the FAA website. When AAS-300 issues a CertAlert, it updates the online CertAlert log for that year.

1.2.3.3 The CertAlert log lists the CertAlerts issued by date and numbered consecutively within the calendar year and identifies their current status (e.g., cancelled, revised, or superseded).

1.2.3.4 AAS-300 is the only entity authorized to issue and cancel CertAlerts. ACSIs are encouraged to suggest topics for new CertAlerts to AAS-300 (See Paragraph 1.1.3, Procedures for Updating this Order.)

**Note:** Regional specialists may author and issue Regional CertAlerts at the discretion of their Division Manager. All Regional CertAlerts must be coordinated with AAS-300 prior to issuance.

1.2.4 Aviation Safety Reporting System (ASRS).

1.2.4.1 This system permits airport users to report events or conditions affecting aviation safety. A full explanation of the ASRS system can be found at http://asrs.arc.nasa.gov and in AC 00-46, *Aviation Safety Reporting Program*, and the *Aeronautical Information Manual (AIM).* Funded by the FAA and administered by the National Aeronautics and Space Administration (NASA), ASRS helps the aviation community identify and correct unsafe conditions before they cause accidents.

1.2.4.2 Typically, NASA sends ASRS reports directly to the airport operator or the Regional staff providing oversight to the identified airport. However, when AAS-300 receives an ASRS report, AAS-300 will forward the report to the Regional office, which must review the report and follow up with the associated airport operator as appropriate.

1.2.4.3 Regional offices must provide AAS-300 with the final disposition of the response provided and details of any actions taken with the identified airport to assist with trend and analysis data. Regions should provide AAS-300 with this final disposition for ***all ASRS reports*** received.

1.2.5 Runway Safety Program System.

1.2.5.1 The Runway Safety Program Office established a reporting and investigative system designed to address all runway incursions and any increase in the numbers of runway incursions and surface incidents.

1.2.5.2 The system makes use of two forms to document the details of these events and their subsequent investigation.

1. Form 8020-24, *Preliminary Vehicle or Pedestrian Deviation (VPD) Report*, contains the preliminary information about an event. The Comprehensive Electronic Data Analysis and Reporting (CEDAR) system helps air traffic controllers file a VPD report electronically. The submissions go to the service area Quality Assurance (QA) division to conduct the investigation, making it unnecessary for the local tower to enter the data on the Form 8020-24. QA will gather any

voice tapes and radar tracks and include it in the Air Traffic Organization (ATO) QA Knowledge Services Network.

2. Form 8020-25, *Investigation of Vehicle or Pedestrian Deviation Report*, is completed next and includes an investigative report and, more important, the resolution of the circumstances surrounding the event. ACSIs use Form 8020-25 to document the investigation, develop recommended actions to resolve the causes, and close out the event.

# CHAPTER 2. CERTIFICATION PROCESS

## 2.1 Purpose.

This Chapter establishes the policies and procedures for certificating airports subject to Part 139.

## 2.2 Section 139.1. Applicability.

2.2.1 The certification requirement is applicable to all airports in every State of the United States, the District of Columbia, and any territory or possession of the United States at which passenger operations of the following types occur:

1. Scheduled operations by small aircraft designed for more than 9 but less than 31 seats (except for the State of Alaska),
2. Scheduled operations by large aircraft designed for 31 or more seats, and
3. Unscheduled operations by large aircraft designed for 31 or more seats.

2.2.2 The certification requirement is not applicable to heliports, airports operated by the U.S. Government, airports serving scheduled air carrier operations only because they have been designated as an alternate airport, airports located in the State of Alaska that only serve scheduled operations of small air carrier aircraft and do not serve scheduled or unscheduled operations of large air carrier aircraft, and airports located in the State of Alaska when not serving operations of large air carrier aircraft, unless specified by FAA Headquarters.

**Note:** Currently, only one U.S. Government-owned airport is certificated under 14 CFR Part 139: Midway Atoll, Henderson Airfield. The airport is owned by the Department of Interior and managed/operated by the U.S. Fish and Wildlife Service. The U.S. Congress has directed the FAA and the Department of the Interior to maintain this airport.

2.2.3 The certification requirement is applicable to the civilian portions of joint-use or shared-use airports.

2.2.4 The certification requirement is applicable to airports at which 14 CFR Part 380 (Public Charter) operations occur, pursuant to 49 U.S.C. 41104 (b), *Additional Limitations and Requirements of Charter Air Carriers.*

## 2.3 Airport Classifications.

Part 139 identifies four airport classifications based on the type of operation and aircraft serving the facility.

**Table 2-1. Airport Classifications**

| Type of Air Carrier Operation | Class I | Class II | Class III | Class IV |
|---|---|---|---|---|
| Scheduled Large Air Carrier Aircraft | X | | | |
| Unscheduled Large Air Carrier Aircraft | X | X | | X |
| Scheduled Small Air Carrier Aircraft | X | X | X | |

2.4 **Section 139.3, Delegation of Authority.**

The authority of the Administrator to issue, deny, and revoke Airport Operating Certificates is delegated to the Associate Administrator for Airports, Director of Airport Safety and Standards, and Regional Airports Division Managers.

2.5 **Section 139.5, Definitions.**

See 14 CFR § 139.5 for a full list of definitions.

1. **Airport Certification Safety Inspector (ACSI).** ACSI are credentialed FAA personnel responsible for conducting periodic airport inspections and ensuring the 14 CFR Part 139 program is carried out in accordance with FAA's Compliance and Enforcement Program. ACSIs investigate potential regulatory violations, recommend enforcement actions, and represent the Administrator.
2. **Consecutive Calendar Months.** A period of time that ensures uninterrupted succession or following of action. This is an established regulatory definition representing a specific period of time that cannot be waived.

2.6 **Section 139.7, Methods and Procedures for Compliance.**

Certificate holders are required to comply with the requirements of Part 139, Subparts C and D, in a manner authorized by the Administrator. FAA Advisory Circulars (ACs) contain acceptable methods and procedures for complying with Part 139. There are instances where the only applicable guidance is found in an AC and this level of guidance meets the intent of being acceptable to the Administrator. Each AC will specify the applicability guidance and intent; ACSIs should refer to the applicability section when consulting ACs.

2.7 **Section 139.101, General Requirements.**

The operator of an airport identified in § 139.1 must—

1. Obtain an Airport Operating Certificate (AOC) appropriate to the level of service provided at the airport and
2. Comply with the applicable requirements of Part 139, the AOC, and the Airport Certification Manual (ACM).

## 2.8 Section 139.103, Application for Certificate.

2.8.1 As specified in § 139.103, the operator of an airport that is required to be certificated under Part 139 must prepare and submit to the Regional office a Form 5280-1, *Application for Certificate* 2), and two copies of the ACM in compliance with the applicable provisions of Subpart C. These documents should be submitted far enough in advance of an intended operation to permit a thorough review and subsequent approval of the ACM, an inspection of the airport, and preparation of the AOC and associated correspondence.

2.8.2 Except under Paragraph 2.10.6.1 of this Order, the applicant must provide written documentation from at least one air carrier committing to initiate air carrier service on a certain date. Regions can verify this information with the applicable Flight Standards District Office or Certificate Management Office.

2.8.3 In addition, an applicant applying for an AOC for the first time must be properly and adequately equipped and able to provide a safe airport operating environment in accordance with any limitation the Administrator finds necessary to ensure safety in air transportation. The applicant must include in the ACM any additional provision that the Administrator finds necessary to ensure the safety of air transportation.

### 2.8.3.1 Surrendering an AOC or Modifying the Class Certificate.

Under Part 139, an airport operator can surrender the AOC or apply to the FAA to modify the Class certificate. The FAA is the only agency authorized to modify the Class Certificate of an airport. Both certificate actions have implications that must be carefully considered. Under Airport Improvement Program (AIP) grant assurances, an airport receiving Federal funds must provide reasonable, not unjustly discriminatory, access to the airport. The Class of AOC held by an airport can affect access to an airport because air carrier operators can conduct operations only at airports with the appropriate level of AOC. There could be grant assurance compliance implications for an airport operator requesting to drop down in AOC class or surrender its AOC, especially if it could restrict current air carrier operations. Consult with the Regional Airport Compliance Officer before approving such requests for certificate action.

1. If an airport operator wishes to voluntarily surrender its AOC, ACSIs should ensure this is initiated in the form of an official notice received on airport letterhead and signed by the certificate holder. The notice must be provided in hardcopy format; an electronic copy for **record keeping purposes only** is suggested.

2. The AOC should also accompany this surrender notice.
3. Any request for surrendering an AOC or requesting modification to a Class Certificate must be coordinated with AAS-300.
4. All communications about AOC surrender or requests for AOC Class Certificate change should be made on official letterhead and memorandum rather than via email.
5. If there is a modification to the Class Certificate, there will be changes required in the airport's ACM. The ACSI must ensure all changes to the ACM follow the standard ACM revision process outlined in of this Order.
6. Once the revised ACM has been approved for modifications to the Class Certificate, the related information must be updated in CCMIS and the 5010 databases. Notify AAS-300 of the AOC Class change in order to update the Part 139 Airport Certification Status List.

2.8.3.1.1 Changes in AOC Class.

The class of an existing AOC can be downgraded without an airport inspection. An upgrade in class may require a full airport inspection.

**Note:** The FAA is the only agency authorized to modify the Class Certificate of an airport.

## 2.9 Section 139.105, Inspection Authority.

2.9.1 The applicant for an AOC or the holder of an AOC must allow the Administrator to conduct any inspection, including unannounced inspections and tests, to determine compliance with 49 U.S.C. 44706 and the requirements of Part 139. This includes testing personnel for competency and qualification for performing assigned duties.

2.9.2 Once an ACSI receives credentials, the inspector is officially recognized as a representative of the Administrator. If a certificate holder or his/her representative refuses to allow an ACSI to conduct an inspection, interferes with the conduct of an inspection, or otherwise refuses to allow the inspector to conduct his/her official duties, the inspector will discontinue the inspection and immediately notify the Regional 620. The Regional 620 will notify AAS-300. Refusal on the part of an airport certificate holder or his/her representative will result in a violation of Part 139 and legal enforcement action (see 0).

## 2.10 Section 139.107, Issuance of Certificate.

2.10.1 Assigning an AOC Class.

2.10.1.1 In addition to an ACM, the operator applying for the AOC (or applicant) submits the application for a certificate on FAA Form 5280-1. In Section

C of the application, Operative Data, the applicant indicates which Class of certificate it is seeking. While the applicant's request is taken into consideration, the FAA determines the Class of AOC for each airport applying for certification. The FAA takes several factors into consideration to determine the appropriate Class for an airport. These items include the—

- Letter of Intent from the air carrier;
- Aircraft size, number of passenger seats, and number of operations per day or within a 3-month period; and
- Aircraft Rescue Fire Fighting (ARFF) requirements for the aircraft and intended operations.

2.10.1.2 The purpose of establishing the separate Classes is to allow the appropriate level of safety regulation to be applied for the type of aircraft operation at the airport and to avoid imposing more stringent requirements than are actually necessary.

2.10.2 Processing the Application for Certificate and Completion of the AOC.

2.10.2.1 **Application for Certificate (Form 5280-1).**

FAA processing of an application begins with the completion of the "FAA USE ONLY" sections of the form, followed by approval of the ACM and an initial inspection that (1) finds the airport to be in full compliance with Part 139 or (2) results in a Compliance Letter with the AOC. The "Remarks" section on the form should note any previous certification, including dates and type of certificate. The contents of the ACM are discussed in AC 150/5210-22, *Airport Certification Manual (ACM).* Chapter 4 discusses the requirements of the initial inspection, including the provision for issuance of an AOC with Compliance Letter.

2.10.3 Administrative Prerequisites for Issuing an AOC.

2.10.3.1 There are certain sections of Part 139 that are "administrative" in nature and context. These sections must be addressed and documented by the applicant, submitted to the FAA for approval, and subsequently incorporated into the applicant's FAA-approved ACM.

2.10.3.2 The following sections of Part 139 are identified as "administrative" and must be fully addressed, documented, and approved prior to the issuance of a FAA AOC: 139.103, 139.201, 139.203, 139.301, 139.303, 139.311, 139.319, 139.321, 139.325, 139.327, 139.329, 139.331, 139.337, and 139.339.

2.10.3.3 Prior to the issuance of the AOC, Regional 600/620 must verify the applicable administrative sections of Part 139 are reviewed and approved in the applicant's ACM. This review must be documented in CCMIS; the entry must identify each applicable administrative section as complete and meeting the statutory requirement for Part 139.

2.10.4 Completion of the AOC.

2.10.4.1 The AOC is completed by ensuring the "Name" and "Associated City and State" are consistent with the information on the Airport Master Record (Form 5010-1). The "Effective Date" is the date the airport operator was first granted certification. The location from which the AOC is issued is the city in which the regional office is located. The Associate Administrator for Airports has delegated the authority for signing the AOC to the Regional Airports Division Manager (600). In the absence of the Regional Airports Division Manager, the Acting Manager may sign the AOC if the certificate must be issued immediately.

2.10.4.2 A cover letter is prepared to transmit the AOC to the certificate holder.

2.10.4.3 A copy of a marked-up Airport Master Record, noting the appropriate airport Class and ARFF index (see Paragraph 4.16), is then sent to Airport Engineering Division (AAS-100) to transmit to the National Flight Data Center (NFDC) for action.

2.10.5 Environmental Categorical Exclusions.

Chapter 5 of Order 1050.1, *Environmental Impacts: Policies and Procedures* identifies actions that may be classified as a categorical exclusion. The issuance of an AOC under Part 139 is included in the list and does not normally require a higher level of NEPA review. However, if issuing an AOC is likely to involve extraordinary circumstances (see Order 1050.1F 5-2. Extraordinary Circumstances) where that action has a potentially significant environmental impact, the proposed action will require further analysis in an environmental assessment and environmental impact statement.

2.10.6 Certificated Airports Without Air Carrier Service.

2.10.6.1 **Inactive Status.**

2.10.6.1.1 An airport without air carrier service requiring certification under Part 139, but whose operator applies for certification, can be certificated and placed in "Inactive Status." An AOC will be issued, provided the certificate holders comply with all provisions and requirements of the current Part 139.

2.10.6.1.2 An airport certificate holder who no longer receives air carrier service may request to be placed in "Inactive Status" and simultaneously maintain its

AOC, provided the certificate holder complies with all provisions and requirements of the current Part 139.

2.10.6.1.3 In each instance, these airports are placed in "Inactive Status" and are subject to surveillance, periodic, and unannounced inspections at the discretion of the Regional Airports Division. The certificate holder remains subject to administrative action resulting from an inspection. Inactive Status is intended to be a voluntary action on the part of the certificate holder; however, it may also be directed by the Regional Division if warranted. AAS-300 staff should be consulted to determine the best course of action if the Region wishes to move the certificate holder to Inactive Status.

2.10.6.1.4 To return to Active Status, the airport must be scheduled to resume air carrier service and will undergo a full airport inspection prior to being deemed Active.

2.10.6.1.5 If the FAA finds that a certificate holder who retains an "Inactive Status" certificate cannot meet the requirements of the certificate and subsequently finds it in non-compliance, the FAA may suspend or revoke the certificate, depending on the severity of the non-compliance.

2.10.6.2 **Surrender of Certificate.**

An airport certificated under Part 139, which does not have air carrier service and is unable to comply with the provisions of the current Part 139, may surrender its certificate to the Administrator with no adverse condition affecting a future certification.

## 2.11 Section 139.109, Duration of Certificate.

2.11.1 An AOC is valid and effective until the certificate holder surrenders the certificate or the Administrator suspends or revokes the certificate.

2.11.2 The FAA has the authority to suspend or revoke an AOC if an airport does not meet the standards and/or requirements of Part 139. The Regional office must coordinate any suspension or revocation of an AOC with AAS-300, as well as with their Regional Counsel's office.

2.11.3 The FAA has the authority to change the AOC Class assigned to an airport if and when air carrier service changes at the airport. The Regional office must coordinate any class change with AAS-300.

2.11.3.1 An airport operator whose certificate has been placed in "Inactive Status" must maintain the level of Certificate Class and comply with the applicable provisions of Part 139 and the airport's approved ACM.

2.11.3.2 The certificate holder of an airport in "Inactive Status" must notify the Administrator in writing of resumption of scheduled or unscheduled air carrier activity at least 90 days in advance of such activity. A complete inspection must be conducted to remove the airport from "Inactive Status" prior to the resumption of air service at the airport.

2.11.3.3 A new AOC must be issued if an airport undergoes a name change. The new AOC will be issued on the effective date of the name change.

## 2.12 Section 139.111, Exemptions.

2.12.1 In accordance with 14 CFR Part 11, *General Rulemaking Procedures,* a certificate holder may petition for an exemption from any requirement under Part 139.

2.12.2 Exemptions are time-limited and do not exceed 3 years. Each exemption must be reviewed annually for currency, extension or renewal. This keeps the exemption in a continuous review process, which results in closer monitoring of airport operator actions to terminate/eliminate the need for the exemption.

2.12.3 Petitions for exemptions must meet the criteria outlined in § 139.111(b) as well as 14 CFR Part 11.

2.12.4 An exemption is not a "Modification of Standards." Order 5300.1, *Modifications to Agency Airport Design, Construction, and Equipment Standards,* contains information and guidance for issuing modifications to standards. Paragraph 5, Exemptions (in version F), reads "Exemptions from 14 CFR Part 139 . . . are not covered by this Order." Therefore, a modification of standards is not issued as a means of achieving compliance with Part 139 requirements. If, however, a modification of standards is issued in the context of Order 5300.1 and it impacts Part 139 requirements, it must be addressed in the approved ACM.

2.12.5 Exemptions for ARFF requirements under § 139.111(b) must be coordinated with AAS-300.

2.12.6 A current Exemptions List must be kept with the approved ACM.

**Note:** See Chapter 8 for a description of the exemption process.

## 2.13 Section 139.113, Deviations.

2.13.1 Deviation from any requirement of Subpart D or the approved ACM, to the extent required to meet emergency conditions that threaten life or property, is permitted, provided that—

1. The certificate holder notifies the Regional Airports Division Manager of the nature, extent, and duration of the deviation as soon as possible but at least within 14 days of the emergency.

2. The certificate holder provides the notification in writing when requested.

2.13.2 Example of a Deviation.

ARFF personnel respond to a vehicular accident on an airport access road. The airport is not able to maintain the ARFF index, and a Notice to Airmen (NOTAM) is not issued. This would be a deviation from the regulation and the airport's ACM and could require an explanation in writing if an air carrier complained to the FAA about the reduced ARFF coverage.

## 2.14 Change of Ownership.

When airport ownership is transferred from one organization to another, the AOC does not transfer. The new owner must submit a new AOC application and an updated ACM. Once the FAA approves the ACM, the agency will issue a new AOC. If the airport has been physically inspected within the last 12 months, there is no need to conduct an additional inspection unless there has been a significant change in airport personnel/management or changes in the airport certification program related to the change in ownership. When there are significant changes in airport personnel, it may be appropriate to conduct a surveillance inspection to ensure that new personnel are trained in accordance with the requirements of § 139.303(c).

## 2.15 Section 139.115, Falsification, Reproduction, or Alteration of Applications, Certificates, Reports, or Records.

2.15.1 Airport certificate holders cannot make or cause to be made any—

1. Fraudulent or intentionally false statement on any application for a certificate or approval under Part 139,
2. Fraudulent or intentionally false entries into any record or report that is required to be made, kept or used to show compliance with any requirement under Part 139, or
3. Reproductions or alterations, for a fraudulent purpose, of any certificate or approval issued under Part 139.

2.15.2 The commission by any owner, operator or **other person acting on behalf of a certificate holder** of an act prohibited under this section, is a basis for suspension or revocation of any certificate or approval issued under Part 139 and held by that certificate holder and any other certificate issued under this title and held by the person committing the act.

2.15.2.1 Under this premise, airport operators may consider revising their ACM to add a new § 139.115 (Falsification, reproduction, or alteration of applications, certificates, reports, or records) to ensure that airport personnel are aware of the Part 139 requirement.

2.15.2.2 If airport operators revise their ACM to address this requirement, ACSIs must verify with airport certificate holders if this action was completed as

an amendment to the airport ACM. If there was no ACM amendment, an equivalent method or notification to all persons with record keeping responsibilities is strongly encouraged.

# CHAPTER 3. AIRPORT CERTIFICATION MANUAL

## 3.1 Purpose.

This Chapter provides guidance on approving and maintaining the Airport Certification Manual (ACM). This Chapter also identifies the ACM requirements that apply to each of the airport classes. An approved ACM is an extension of the Part 139 regulation and its contents are legally enforceable under Federal law. An ACM should describe how a certificate holder complies with part 139 requirements in a manner acceptable to the Administrator. Airport operators must review AC 150/5210-22 for ACM development guidance.

## 3.2 Section 139.201, General Requirements.

Part 139 requires each certificated airport to be operated according to an ACM. The manual must contain only those items authorized by the Regional Airports Division or AAS-300 and be:

1. Be approved by the Regional Airports Division Manager; Lead ACSI, or ACSI assigned to the airport submitting the ACM.
2. Be submitted in print and in duplicate—with one approved, complete copy retained at the airport and available for inspection and one approved, complete copy retained at the appropriate Regional Airports Division.

**Note:** An electronic version of the ACM is acceptable provided it meets the criteria illustrated in (1) and (2) above.

3. Be in a format easy to revise and organized in a manner helpful to the preparation, review, and approval processes, with a revision log to track changes.

**Note:** The date of approval/revision and reviewer's initials must be displayed on each page of any ACM submitted electronically.

4. Be signed by the certificate holder to acknowledge its responsibility to operate the airport in compliance with the approved ACM.
5. Be kept current at all times.
6. Include any modification to standards approval letters.
7. Be distributed to those personnel who are responsible for its implementation and be distributable in applicable portions rather than as a full document (i.e. airport police, air carrier agents, FBOs, etc.). The airport must continue to ensure the most current version is provided to recipients, regardless of whether the distribution is full ACM or by section.

## 3.3 Section 139.203, Contents of the Airport Certification Manual.

The ACM must address all parts of Part 139 that apply to the airport. It must be comprehensive and speak directly to the Part 139 requirements, but it is not expected to be an all-inclusive list of instructions. Certificate holders should be reminded that all

text in an approved ACM is enforceable under the Federal Aviation Regulations. The approved ACM should be clear in its instructions, but without unnecessary content.

3.3.1 The ACM must—

1. Contain a description of operating procedures, facilities and equipment, and responsibility assignments as well as any other information needed by the personnel who operate the airport.
2. Contain the required elements specified in § 139.203(b) for each certificate class.
3. Reflect the current conditions, operations, and procedures in effect at the airport.
4. Display the date of initial approval or the date of the latest revision on each page.
5. Include a current revision log.
6. Where non-standard procedures and/or Modifications of Standards are in effect, include documentation that supports compliance to a comparable level of safety equal to that described in FAA ACs.

3.3.2 As discussed in Paragraph 2.15 of this Order, § 139.115 addresses falsification, reproduction, or alteration of applications, certificates, reports, or records. Certificate holders are strongly encouraged to add verbiage providing notice to those personnel responsible for executing portions of the approved ACM about their responsibility under this section of Part 139. It is important to clearly articulate that any airport person, acting on behalf of a certificate holder, is legally liable under the provisions of this section while performing duties within the scope of their responsibilities on the airport.

3.3.3 ACM Transmittal Letter

The initial ACM and revisions/amendments submitted for approval by the certificate holder must be returned to the certificate holder by transmittal letter in hardcopy or electronic submission. The transmittal letter must refer to the approved ACM revisions and amendments or it must state why they were not approved and identify what further action is necessary to meet Part 139 requirements for approval.

## 3.4 Section 139.205, Amendment of the Airport Certification Manual.

3.4.1 Authority to Amend the ACM.

Under § 139.3, the authority of the Administrator to issue, deny, and revoke AOCs is delegated to the Associate Administrator for Airports, the Director of Airport Safety and Standards, and Regional Airports Division Managers. This authority permits Regional Airports Division Managers to amend any ACM upon application by the certificate holder or on their own initiative if safety in air transportation requires the amendment.

3.4.2 Amendment Initiated by the FAA.

3.4.2.1 When the Regional Airports Division Manager initiates an amendment to the ACM, the Regional office informs the certificate holder in writing with a **Notice to Amend.** This notice specifies a reasonable period of not less than 7 days within which the certificate holder may submit written information, arguments, and views on the proposed amendment. Send all Notices to Amend by regular and certified mail to establish a record of notice to the certificate holder.

3.4.2.2 The Regional Airports Division Manager will consider all relevant material when making a decision about the amendment and notify the certificate holder within 30 days of the decision to amend or to rescind the Notice to Amend.

3.4.2.3 If the Regional Airports Division Manager decides to implement the amendment, the amendment will go into effect not less than 30 days after the certificate holder is notified of the decision.

3.4.2.3.1 A certificate holder who does not agree with the decision to amend can petition the Associate Administrator for Airports to reconsider the decision. If the decision is petitioned, implementation of the amendment is stayed pending a decision by the Associate Administrator.

3.4.2.3.2 If the FAA decides there is an emergency requiring immediate action with respect to safety, the amendment may be issued without stay, along with a statement of the reasons for the finding in the Notice to Amend.

3.4.3 Amendment Initiated by the Certificate Holder.

3.4.3.1 A certificate holder must submit a proposed ACM amendment in writing to the Regional Airports Division Manager, or designated representative, at least 30 days before the proposed effective date of the amendment, unless the Regional Airports Division Manager permits a shorter filing period.

3.4.3.2 If the Regional Division Manager denies an application for amendment of the ACM, a certificate holder may petition the Associate Administrator for Airports to reconsider the denial.

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# CHAPTER 4. INSPECTION PROCESS

## 4.1 Purpose.

This Chapter provides guidance on conducting inspections of airport operations to verify compliance with Part 139.

## 4.2 Types of Inspections.

There are three types of inspections: Initial, Periodic, and Surveillance.

### 4.2.1 Initial Inspection.

4.2.1.1 An Initial inspection is required for any airport not currently certificated under Part 139. This is the first inspection conducted by an Airport Certification Safety Inspector (ACSI) before the FAA issues or reissues an Airport Operating Certificate (AOC).

4.2.1.2 An initial inspection may also be required for a transfer of ownership at the airport, which results in a new AOC, unless a full airport inspection was completed within the last 12 consecutive calendar months.

4.2.1.3 The ACSI must prepare a record and report of the initial inspection to be retained in program files as part of the certification process.

### 4.2.2 Periodic Inspection.

4.2.2.1 Conducted on an agreed-upon schedule, the Periodic inspection helps ensure the airport is safe and the certificate holder is operating the airport in compliance with Part 139 requirements, as well as in accordance with procedures and practices described in the approved ACM.

4.2.2.2 The ACSI must prepare a full record and report of the inspection to be retained in the program files.

### 4.2.3 Surveillance Inspection.

4.2.3.1 Surveillance inspections are announced or unannounced inspections conducted in addition to the periodic inspections. They can be held at any time.

4.2.3.2 Reasons for conducting a surveillance inspection include following up on a periodic inspection non-compliance finding; monitoring airfield safety during construction activity; validating continued compliance with the airport's approved ACM or Part 139 standards; providing additional safety oversight at larger, busier airports; reviewing winter operations; confirming a change in ARFF capability/implementation of a new ARFF

department; responding to information about enhanced risk (including changes in management, ARFF equipment, or air carrier service). The surveillance inspection can be directed toward a specific requirement and does not need to be all-inclusive.

4.2.3.3 The ACSI must prepare a record and report of the inspection to be retained in program files.

## 4.3 Inactive Status.

Airports having no air carrier service but that retain their AOC may be placed in **Inactive Status.** These airports are subject to both periodic and surveillance inspections as determined by the Regional Airports Division. They must be inspected prior to any scheduled or unscheduled air carrier operation and must notify the Region in writing 90 days in advance of a qualifying operation.

**Note:** Regions must coordinate with AAS-300 before placing an airport in Inactive Status to ensure an update to the Airport Certification Status List.

## 4.4 Schedule of Inspections.

At the discretion of Regional management, deviations may be made from the inspection cycles in order to shorten the interval between inspections at a particular airport. Any deviation that would extend the inspection cycles beyond those outlined below must be coordinated with AAS-300 prior to implementation.

4.4.1 Periodic Inspections.

4.4.1.1 Regional Airports Divisions will schedule periodic inspections based upon the following criteria:

1. Inspect Class I, II, and III airports with scheduled air carrier service with more than nine passenger seats on a 9-to-15 calendar month cycle, resulting in a regional average of 12 calendar months between inspections.
   a. Regions must make every effort to ensure Class I airports are inspected at least once every 12 calendar months.
2. Inspect Class IV airports that have only unscheduled air carrier service with more than 30 passenger seats on a 12-to-18 calendar month cycle.
3. Inspect certificate holders with no scheduled air carrier service with more than nine passenger seats on a maximum 24-calendar month cycle, unless placed in **Inactive Status**.

4.4.1.2 Regional Airports Divisions must consider all applicable factors when establishing the inspection frequency for an Inactive Status airport. Factors affecting inspection frequency can include:

1. Number of enplanements
2. Number of operations
3. Type and level of activity
4. Administrative and enforcement history
5. Management change/ownership change
6. Runway incursion/excursion history
7. Changes in scheduled service
8. Airport geometry
9. Construction activity
10. Wildlife activity/wildlife strike history
11. A recently issued AOC
12. Weather/seasonal considerations
13. Rotation of ACSIs
14. Recent program changes, such as Surface Movement Guidance and Control System (SMGCS), Land and Hold Short Operations (LAHSO), driver's training, and staffing levels
15. Other considerations deemed appropriate by Regional management

4.4.2 Surveillance Inspections.

There is no schedule for Surveillance Inspections, but factors triggering surveillance inspections can include:

1. The need to validate the airport ARFF index or capabilities
2. Unsatisfactory enforcement history (administrative or legal)
3. AOC issuance or upgrade within the previous 24 months
4. Surface incidents/runway incursion/excursion or vehicle/pedestrian deviations (V/PDs)
5. Recent management and/or ownership change
6. Construction project activity
7. Wildlife activity/strike reports
8. Inactive status
9. Program changes or updates (SMGCS, Snow and Ice Control Plan, ARFF, staffing levels)
10. Indications of safety issues at the airport that need to be reviewed

## 4.5 Preparation for Initial and Periodic Inspections.

Initial and periodic inspections require detailed preparation. Regional Airports Divisions may develop a tentative schedule for a periodic inspection that is convenient for both the ACSI and the airport operator. The ACSI should prepare for an initial and all periodic inspections according to the guidelines detailed below.

1. Provide advance written notice to the certificate holder for initial and periodic inspections. **Error! Reference source not found.** Be considerate of airport schedules and activity, but remember that § 139.105 allows for the authority to perform any inspections or tests to determine compliance at the discretion of the inspector.
2. Confirm the dates as soon as practicable.
3. Coordinate with other offices and staff as appropriate. Consider contacting the following offices:
4. Airports District Office (ADO)
5. Flight Standards District Office (FSDO) or Certificate Management Office (CMO)
6. Technical Operations (Tech Ops)
7. Transportation Security Administration (TSA)
8. Air Traffic Control
9. Runway Safety Program Office
10. Previous ACSI
11. State aviation agencies
12. Review airport information including:
13. ACM and Airport Emergency Plan (AEP)
14. Snow and Ice Control Plan (SICP) (if applicable)
15. SMGCS/Low Visibility Operations (LVO) (if applicable). See FAA SMGCS Order 8900.94, *Procedures for establishing a Volunteer Surface Movement Guidance and Control System /Low-Visibility Operations*.
16. Previous inspection records and legal enforcement reports for previous 3 years
17. Violation history for previous 3 years
18. Previous investigation reports, to include V/PD reports
19. Airport Master Record (5010-1) and the Airport/Facility Directory
20. Obstruction chart/airport approach survey
21. Accident/incident history
22. Airport compliance history

23. Verbal briefing from the program manager on the status of Airport Improvement Program grants or Passenger Facility Charge approvals associated with construction projects ongoing or planned.
24. Airport Layout Plan (ALP)
25. Wildlife incident history and Wildlife Hazard Assessment/Wildlife Hazard Mitigation Plan (WHA/WHMP) status as applicable.
26. Standard Instrument Approach Procedures (SIAP) for each instrument runway.
27. Information about construction projects for safety and compliance with AC 150/5300-13, *Airport Design;* design standards for the approach categories of runways and other clearances to be maintained.
28. Ensure availability of proper directives, charts, ACs, and appropriate information to conduct the inspection. Recommended items can include:
29. References such as policy letters, Orders, CertAlerts, Engineering Briefs, and National Fire Protection Association (NFPA) standards as needed and appropriate.
30. CCMISNet history
31. Construction Safety Phasing Plans (CSPP)
32. Runway Safety Area (RSA) inventory
33. Modifications to Standards and exemptions
34. Form 5280-4 Checklist
35. Airport diagram and approach plates
36. Wildlife strike history
37. ARFF equipment list
38. Points of contact list (Airport Ops, Tower, TSA, ARFF, etc.)
39. Runway Safety Action Plan
40. SMGCS Plan (as applicable)
41. Obstruction list for the airport; pay particular attention to those obstructions that need to be illuminated or marked at the airport
42. Compliance files to assess the certificate holder's compliance to any previous corrective actions required for non-compliance

## 4.6 Inspection Protocol–General.

4.6.1 The Airport Certification Program operates under the premise that the airport certificate holder acts responsibly to comply with Part 139 through the self-inspection program. The FAA inspection itself is but a snapshot of how the airport's own self-inspection program is implemented to ensure safety. The ACSI seeks to validate the actions of the certificate holder in its implementation of the self-inspection program. Through best

practices and procedures, diligent airport condition reporting, and timely corrective actions for non-compliance to Part 139, the certificate holder shows how the airport meets the regulatory requirement and those requirements specific to the airport's approved ACM. It is the ACSI's primary responsibility to ensure that required "systems" are in place and functioning properly at the airport. These systems ensure ARFF is provided and vehicles are maintained; pavement is inspected and maintained; personnel are trained; and the airport complies with all elements of Part 139. As an example of this philosophy, an ACSI would inspect ARFF personal protective gear (PPE) not to ensure that every piece of gear meets NFPA standards (if NFPA standards have been adopted), but to ensure there is a system in place at the airport to purchase the right gear, track the gear, inspect the gear, and maintain the gear in accordance with current standards. This overriding philosophy should apply to all elements of the inspection.

4.6.2 Due to certain conditions on various airports (e.g., high density traffic or inclement weather), ACSIs should be flexible about when to conduct an inspection. The ACSI should consider inspecting the movement area when traffic conditions best allow. Recent rain or snow may limit the ability to access certain areas of the airport (e.g., runway safety areas). Weather and traffic alone should not inhibit the ability of an ACSI to see every part of the airport needing to be inspected.

4.6.3 Night Inspections.

Initial and periodic certification inspections must include a night inspection of lighting, signage and marking. ACSIs must conduct night inspections during official darkness, i.e. after sunset and before sunrise.

4.6.3.1 In Alaska, a night inspection is acceptable during the time a prominent, unlighted object cannot be seen from a distance of 3 statute miles or the sun is more than 6 degrees below the horizon.

4.6.4 Interviews.

During the inspection, key airport personnel, including the operations director or supervisor, the maintenance supervisor, the ARFF Chief, the wildlife hazard management supervisor or airport wildlife biologist, and local FAA personnel (e.g., Air Traffic Control Manager) should be available. If any of the interviewees have concerns about sharing information freely in the presence of others, the ACSI should consider conducting interviews separately.

4.6.5 Documenting Findings.

The ACSI will use the Airport Certification/Safety Inspection Checklist (Form 5280-4) to document findings during all airport inspections. Discrepancy write-ups need to be clear, concise and be able to stand on their own to an outside reader.

## 4.7 Phases of the Inspection.

The inspection consists of eight phases.

### 4.7.1 In-briefing.

The in-briefing is a meeting with airport management to discuss the inspection agenda, areas of mutual interest, problem areas, previous inspection results and concerns, the airport's current status, recent Part 139 issues, runway incursion/excursion issues, and any other topics of concern to the airport operator or ACSI. In addition, the ACSI should coordinate with the Air Traffic Control Tower (ATCT), as appropriate, for inspection access to the movement area and with ARFF personnel to conduct the ARFF timed-response drill, as well as other activities such as the discharge of agent on the airport and the inspection of maintenance records.

### 4.7.2 Administrative Inspection.

For this inspection, the ACSI should:

1. Review the airport's copy of its approved ACM to ensure it contains the processes and procedures the airport uses to comply with Part 139 and ensure the official copy of the ACM is accurate, current, and implemented properly by those personnel with responsibilities on the airport. Pay particular attention to those items that frequently change in the ACM (e.g., personnel and telephone numbers, navigational aid (NAVAID) information, changes in pavement information after construction, the sign and marking plan, snow and ice control plans, and airport emergency plan contacts).
2. Special attention should be given when conducting the sign and marking plan review. Review to ensure the Precision Object Free Zone (POFZ) requirements are addressed as applicable. AC 150/5340-18 provides the details for POFZ standards. The Regional Airspace Procedures Team (RAPT) and the Regional Engineering teams are also good sources to consult when reviewing the sign plan.
3. Discuss the status of any exemptions to review the certificate holder's efforts/actions to resolve the need for an exemption.
4. Check the Notices to Airmen (NOTAMs) to verify congruity between the airport's condition reporting and the information disseminated to users through the Federal NOTAM System (FNS). Examine NOTAM and/or other airport condition reporting logs for 12 consecutive calendar months.
5. Review the Airport Master Record, Airport Facility Directory, and Airport Diagram for changes and update the record, as appropriate, with the airport operator.
6. Examine documentation required under § 139.301. ACSIs should notify the certificate holder that all inspectable records should be made available at one centralized location upon arrival for the inspection. Various entities on the airport (ARFF, Maintenance, Fueling, etc.) that maintain records should ensure their records are delivered to the agreed upon central location for inspection. ACSIs may also prefer to review the training records, curriculum, and training materials at the

exact location of where the records are maintained (e.g., at the ARFF facility, at the fuel farm, etc.). Viewing the records where they are normally housed may facilitate the ability to speak directly to the personnel responsible for administering those training programs. All records must be inspected before concluding the inspection.

4.7.3 Movement and Safety Area Inspection.

During this phase, the ACSI observes the certificate holder or a designated representative conduct a self-inspection, to include the following:

1. Inspecting runways and taxiways used by air carrier aircraft to ascertain the condition of the pavement, marking, lighting, signs, shoulders, and safety areas.
2. Verifying marking and lighting configurations are consistent with the ACM, approach charts, the Airport Master Record, the approved Sign and Marking Plan, and current standards.
3. At each runway approach, checking the approach slope with an acceptable hand-held instrument and the runway alignment with a compass or global positioning system (GPS). If there is a question about the reported slope or if the ACSI does not have access to any measuring equipment, the ACSI should recommend the airport conduct an official survey to validate the slope and alignment.
4. The ACSI should compare results with the current obstruction chart and Airport Master Record, as well as the most recent approach survey.
5. If construction activity is in progress, checking for adherence to the FAA-approved construction safety phasing plan (CSPP) and safety compliance plan document (SPCD). The ACSI should identify any potentially hazardous condition to runway/taxiway safety posed by excavations, trenches, or stockpiled material. Verify there is adequate lighting and marking of the area, as well as verify correct marking and lighting of any temporary thresholds. It is important for the ACSI to validate the placement of construction equipment away from the movement areas as applicable, keeping in mind areas such as the RSA or taxiway object free area (TOFA).
6. Observing ground vehicle operations for things such as limited access to movement and safety areas by those vehicles required for airport operations and appropriate and correct procedures/communication, adherence to pilot/controller phraseology, and driver understanding of Air Traffic Control conventions. Vehicles must be properly marked and adhere to the approved access routes assigned in the CSPP.
7. Verifying the appropriate NOTAMs have been issued and air carriers have been notified with regard to the construction activity.
8. Inspecting for public protection (inadvertent entry and jet/propeller blast protection). If fencing is installed to meet the requirements of § 139.355, the self-inspection should ensure the fencing is properly maintained.
9. Observing for the presence of wildlife or attractants that present potential hazards. This includes disposal practices for dead or captured animals, how self-inspection

procedures address the finding of dead birds or other wildlife, and how personnel are monitored during construction activity for disposal of waste that might attract wildlife.

10. Verifying traffic and wind indicators, to include supplemental wind cones; meeting current standards and appearing visible by pilots in aircraft on final approach for condition; and if used at night, verifying adequate lighting of the wind cones. Wind cones should be inspected during both the day and night inspections.

4.7.4 ARFF Inspections.

During this phase, the ACSI:

1. Checks the index for the critical aircraft and schedule of operations.
2. Checks for appropriate firefighting equipment to meet index and agents. Validates processes/systems in place at the airport for maintenance of ARFF equipment.
3. Checks to ensure the certificate holder has procedures in place for conducting a refractometer or conductivity test. The ACSI may require the ARFF personnel to perform this test during inspection.
4. Checks to ensure the foam production system testing has been conducted as required by the manufacturer specifications.
5. Checks for the certificate holder's notification procedures to address reduction in ARFF capability, as well as their ability to recall ARFF personnel to increase capability.
6. Checks vehicle and equipment readiness, including the *North American Emergency Response the Guidebook* accessibility. ARFF personnel are required to have access to the manual; it does not have to be in the truck or on their person, and it may be in electronic format.
7. Checks ARFF emergency access roads to ensure they are accessible.
8. Conducts the timed-response drill. **The ACSI cannot close out the inspection until the ARFF response test can be met.** This includes establishing special procedures and then testing these procedures to ensure successful time completion. An example of these special procedures could be having the ARFF equipment and personnel pre-positioned at a designated location on the airport during air carrier operations.
9. Ensures a program is in place for ARFF personnel to check the serviceability, care, and maintenance of personnel proximity suits/structural protective gear and self-contained breathing apparatus (SCBA). Documentation of these inspections should be available for the ACSI to review.
10. Checks ARFF personnel for knowledge of the 11 ARFF areas contained in § 139.319. This can be accomplished in a variety of ways, such as conducting oral quizzes, written test questions, performance-based scenarios, or other methods deemed appropriate by the ACSI.

11. Checks ARFF personnel training records for accuracy and completeness. Training records should detail the elements of the ARFF training syllabus currently in use. The ACSI must inspect **all** ARFF training records.

12. Checks to ensure at least one individual per shift on duty during air carrier operations has the basic emergency medical services training. If the ACM specifies the medical response will originate from off the airport, the ACSI must verify the responsible personnel are identified within the ACM and then validate their training documentation. Documentation may include the training certificate, training record, or other official curriculum verification.

13. Verifies that live fire training was conducted at facilities meeting the specifications found in AC 150/5220-17.

4.7.5 Fuel Inspections.

4.7.5.1 During this phase, the ACSI:

1. Checks the certificate holder's standards for protecting against fire and explosions in storing, dispensing, and otherwise handling of fuel on the airport (or adopted fire code). These must address facilities, procedures, and personnel training according to the seven items listed in § 139.321(b).

2. Checks agents who handle fuel and fuel storage material on the airport in accordance with the applicable fire code at the airport (NFPA 407 or other code as adopted). Inspects a random sampling of vehicles and hydrant carts, or at the ACSI's discretion, inspects **all** vehicles and hydrant carts in order to determine compliance.

3. Checks the safety and operations of areas designated for fuel storage material in accordance with applicable fire codes at the airport (NFPA 407 or other code as adopted).

**Note:** Fuel storage facilities off airport property and outside of the airport operating area are not inspected.

4. Checks the certificate holder's inspection records of fueling agents on the airport for timeliness, accuracy, and completeness. Checks that the inspections are completed, at a minimum, every 3 consecutive calendar months.

5. Checks supervisory and other personnel training per § 139.321. See AC 150/5230-4, Addendum, for a training course list.

6. When there are fueling operations in progress during the dates of the inspection, observes the fueling of air carrier aircraft in airport ramp areas to ensure proper safety precautions are in place, such as emergency evacuation capability; fire extinguishers; access to the emergency shutoff; and hose protection, as defined in the applicable fire code and the approved ACM.

4.7.5.2 The ACSI should not perform the actual hands-on, physical inspection of any of the fuel trucks, carts, or fuel farms. The ACSI should ensure a designated certificate holder's fuel representative accompanies the ACSI on the inspection. The ACSI should have the airport personnel demonstrate their knowledge of the fire codes and the inspection process by observing the fueling representative conducting the inspection(s). The ACSI can question airport personnel during the process and ask them to provide a practical demonstration to test knowledge. All demonstrations must be accomplished by the qualified airport certificate holder, fueling agent, or designated representative. The ACSI should not personally adjust, push, pull, or in any way activate any part of the fuel system in conjunction with the inspection. The ACSI's job is to validate the certificate holder's self-inspection actions when inspecting the fuel trucks, carts, or fuel farms.

4.7.6 Wildlife Hazard Management Inspection.

During this phase, the ACSI:

1. Observes signs of wildlife during the physical inspection of the airport self-inspection.
2. Asks questions about the presence of wildlife when visiting field offices and the ATCT.
3. Observes habitats and activities conducive to attracting wildlife.
4. Checks self-inspection records for data about wildlife observations by airport personnel and any applicable wildlife tracking logs.
5. If a Wildlife Hazard Assessment (WHA) has been conducted, determines if the airport is required to develop a Wildlife Hazard Management Plan (WHMP). An assessment does not always result in the need for a plan, but if a plan is required, the ACI must determine if that plan has been implemented.
6. Checks to ensure a review of the WHMP has been completed and documented every 12 consecutive calendar months or as needed by triggering events.
7. Checks that staff training is in compliance with the WHMP.
8. Checks airport procedures for alerting users of wildlife activities.
9. Ensures all applicable local, state, and Federal permits have been obtained and are available for inspection. The AAS-300 Wildlife Biologists can be contacted to assist in determining the required permits and what to look for when reviewing permits.
10. Inspects sections of the wildlife fencing for proper maintenance and signs of animal intrusions. Checks gates for close spacing to prevent animal intrusions. If there is a reported deer problem, it may be appropriate to inspect the entire perimeter fence if access is feasible. Checks the certificate holder's procedures/self-inspection records for inspecting the wildlife fence.

11. If the airport employs a wildlife biologist, meet and discuss all aspects of the wildlife management program on the airport with this individual.

4.7.7 Night Inspection.

During this phase, the ACSI:

1. Checks runway and taxiway lights on all air carrier runways/taxiways for alignment, spacing, and optical performance. If Pilot Controlled Lights are installed, requests changes in runway step lighting to evaluate intensity of lighting at each step.
2. Checks obstruction lighting listed in the approved ACM for operability in accordance with § 139.311.
3. Checks shielding of lighting on ramps and aprons.
4. Checks marking and sign visibility at night. This must include checking the glass beads for adequate reflectivity.
5. Checks the visibility of wind and traffic indicators for night operations.
6. Where appropriate, checks marking and lighting of unusable portions of the airport.
7. Checks lighting and marking in construction areas is in accordance with CSPP and determines adequate visibility of hazards.

4.7.8 Air Traffic Control Tower Interview.

There are no Part 139 regulatory inspection requirements associated with the Air Traffic Control Facility; however, ACSIs are encouraged to meet with the Air Traffic Control Manager. Such a meeting allows the ACSI to ask Air Traffic Control personnel if they want to discuss potential issues or concerns with the airport certificate holder.

4.7.9 Post-Inspection Out-briefing.

4.7.9.1 During this final phase, the ACSI:

1. Consolidates notes from the approved ACM review, the phases of inspection (Paragraphs 4.7.1-4.7.7 above), and the Airport Certification/Safety Inspection Checklist (Form 5280-4).
2. Presents specific non-compliance and safety concerns identified during the inspection. The ACSI gives the out-brief to airport management staff and any airport personnel with duties outlined in the ACM.
3. Throughout the discussion, assesses as best as possible the compliance attitude of the certificate holder.
4. If non-compliance is found in any area of the airport and/or Part 139 requirements, determines the level of enforcement action necessary in order to bring the certificate holder back into compliance. If warranted, takes the appropriate administrative action such as issuing a Letter of Compliance. This letter can be issued at the time of the out-

brief, or upon return to the Regional Airports Division office after consulting with Regional Management.

5. If a Letter of Compliance is issued, establishes a date by which the non-compliance must be corrected. In the case of an unsafe condition that warrants immediate action to mitigate an unacceptable risk, takes immediate action. Actions will include bringing the identified risk to the attention of the certificate holder and discussing with Regional and Headquarters management the appropriate safety response to the immediate risk.

6. If no issues of non-compliance are identified, issues an Inspection Close-out Letter either on site or upon return to their Regional office.

4.7.9.2 Recommendations cannot be provided for areas of Part 139 non-compliance found during the inspection. While non-binding, ASCI recommendations are still considered useful tools to ensure a full and accurate picture is provided on the overall level of safety at the airport. The ACSI may observe safety issues that are outside of the Part 139 purview but could create potential hazards that, if not addressed, might result in regulatory violations in the future. When making a recommendation, the ASCI should limit their advice to identifying the concern or risk as opposed to solving the problem for the sponsor.

## 4.8 Inspection Protocol–Specific Guidance.

4.8.1 The following sections provide further details about the conduct of an airport certification safety inspection. The ACSI should compare conditions on the airport to applicable current regulatory standards when non-compliance is found. The approved ACM will provide additional supplemental guidance; however, FAA regulatory standards and requirements take precedence over ACM guidance.

4.8.2 Paragraphs 4.9 through 4.30 discuss standards and aspects of the program to consider when conducting an inspection. Part 139 speaks in detail to all actions and requirements the certificate holder must adhere to in order to maintain its certificate. Part 139, subpart D, Operations, must be reviewed and consulted prior to and throughout the inspection process when determining whether the certificate holder is complying with each requirement identified. Each of the sections below contains a brief overview of the certificate holder’s responsibilities; however, the language in Part 139 must be referenced and verified when discerning the certificate holder’s compliance with a specific requirement.

## 4.9 Section 139.301, Records.

4.9.1 The certificate holder must furnish, upon request by the Administrator, all records required to be maintained under this section.

4.9.2 The ACSI must confirm the certificate holder is adequately maintaining all records required under Part 139, including the following:

1. Records for airport personnel training, as required under § 139.303 and §139.327, and the records for emergency personnel training (ARFF and medical service), as required under § 139.319. These records must be maintained for 24 consecutive calendar months.
2. Records for fueling agent training must be maintained for 24 consecutive calendar months
3. Records of inspections of fueling agent trucks and fuel storage areas must be maintained for 12 consecutive calendar months.
4. Records for self-inspections, as required in § 139.327, must be maintained for 12 consecutive calendar months.
5. Records for training ground vehicle operators and personnel with access to the movement area and safety areas, as required in §139.329, must be maintained for 24 consecutive calendar months. The records must reflect personnel having been trained within 12 consecutive calendar months of their previous training.
6. Records for an accident or incident occurring on the movement and/or safety areas involving air carrier aircraft and/or ground vehicles, as required in § 139.329, must be maintained for 12 consecutive calendar months.
7. Records of airport conditions, as required in § 139.339, must be maintained for 12 consecutive calendar months. NOTAMs should be reviewed and compared with records of self-inspections. The ACSI must verify that appropriate and timely NOTAMs were issued for any discrepancies requiring a NOTAM.
8. Other records determined to be necessary by the Administrator, e.g., work orders for discrepancies identified during self-inspections.

4.9.3 An increasing number of certificate holders are using computer databases to track employee training records. In most cases, the employees are not required to physically sign the training record itself; however, the record must provide the name of the individual in attendance, the date, and the description of the training conducted. While the ACSI may encourage the airport operator to use sign-in sheets for training, the lack of such sheets does not invalidate the training. If there is any doubt about the employee having taken the training, the ACSI may query the employee about whether he/she received the training and may choose to test the employee's knowledge of the subject area in question.

**Note:** These specific criteria apply to all recordkeeping requirements established under Part 139.

## 4.10 Section 139.303, Personnel.

4.10.1 The certificate holder must provide sufficient and qualified personnel to comply with the requirements of its approved ACM as well as the requirements under this part. It must equip personnel with sufficient resources needed to comply with the requirements of this part and train all persons who access movement areas and safety areas and perform duties in compliance with the requirements of the ACM and the requirements of this part.

4.10.2 The certificate holder must also make a record of all training completed after June 9, 2004, by each individual in compliance with § 139.303 that includes, at a minimum, a description and date of training received. Such records must be maintained for 24 consecutive calendar months after completion of training.

4.10.3 The certificate holder may use an independent organization, or designee, to comply with the requirements of its ACM and the requirements of this part only if such an arrangement is authorized by the Administrator.

4.10.4 The ACSI determines if the certificate holder is providing sufficient and qualified personnel to comply with the requirements of its approved ACM and the requirements listed in Part 139.

4.10.4.1 FAA Memorandum dated 25 August 2014 states, in part: "It is not reasonable to assume that the FAA meant 'no personnel' would be sufficient to meet the requirements of Part 139. Although we can conclude that Part 139.303(a) requires at least one airport employee or designee is onsite during air carrier operations, the number of individuals that would be sufficient depends on the specific need of each airport after considering its size and layout, as well as the volume and complexity of operations."

4.10.4.2 The ACSI cannot specify the exact number of employees the certificate holder must have but can identify whether the number of employees is sufficient by observing how many are required to maintain and operate the airport at the minimum safety standards in Part 139. The ACSI must be able to identify at least one qualified person who is onsite during air carrier operations to carry out each applicable section of the ACM.

4.10.4.3 Determination of sufficiency and qualifications must be based on conditions found during the inspection, such as—

- Multiple inspections with a high number or non-compliance areas,
- An unusually high number of non-compliance in a single self-inspection,
- Observation of the employees performing their duties, and

- Staffing rosters and position descriptions.

4.10.4.4 In addition, ACSIs can administer oral or written tests or request practical demonstrations of skills to determine whether there are sufficient and qualified personnel. Such methods are only one tool, and are not an all-inclusive means of making a determination. Tests or demonstrations must be appropriate for the airport class, index, and conditions of that specific airport.

4.10.4.5 It is necessary to distinguish between the personnel requirements because there might be a "sufficient" number of personnel, but not enough "qualified" personnel due to deficiencies in training. If the work performed on the airport is completed, but done improperly, this might indicate a need for better training. The certificate holder is required to develop a training program that provides training for the areas subject to Part 139.

## 4.11 Section 139.305, Paved Areas.

4.11.1 The certificate holder must maintain and promptly repair the pavement of each runway, taxiway, loading ramp, and parking area on the airport that is available for air carrier use as described in § 139.305(a)(1) - (6) for specifics.

4.11.2 The ACSI's responsibilities entail advising the certificate holder of pavement conditions involving possible pavement deterioration (e.g., evidence of cracking, ponding, spalling, or settling) identified during the inspection. ACSIs should advise the certificate holder that corrective action must be taken if such evidence of deterioration exists. Following the inspection, the ACSI should advise the appropriate ADO of the pavement condition for situational awareness. If the pavement condition is severe, advise the ADO or program office immediately.

4.11.2.1 ACSIs may consider using AC 150/5320-17, *Airfield Pavement Surface Evaluation and Rating Manuals (PASER Manuals)*, to determine pavement conditions and to present conditions in a standardized manner. Pavement at an airport is most likely subjected to a more formal pavement analysis by a pavements engineer, and the airport may already have a formal pavement management system in place. ACSIs can use this system to assess pavement distress and assign a simple rating (Excellent to Failed), which can appear in the Airport Master Record. Such ratings, however, are secondary to determinations made through formal pavement condition index (PCI) ratings.

4.11.2.2 **Marginal Condition Rating.**

When evaluating pavement condition, the ACSI should keep in mind cracks and/or surface variations could create a Marginal condition rating,

which produces lose aggregate or other contaminants. Besides resulting in foreign object debris, this condition could impair directional control of air carrier aircraft and must be treated as non-compliant. It is also important to note holes and other surface aberrations in the pavement must be evaluated against criteria in § 139.305(a) (2) and (3) since a condition that passes criteria listed in (2), might fail the criteria listed in (3).

4.11.2.3 **Significant Safety Hazard Determination.**

If the ACSI determines that a portion of the paved area presents a "significant safety hazard" based on AC 150/5320-17 and intends to assign a preliminary PASER rating of **1-Failed**, the ACSI must take the following actions:

1. Immediately notify the senior airport official on duty or the airport operator of the preliminary determination of a "significant safety hazard". The ACSI must document the name of the person notified and the date and time of notification.
2. Contact his/her Regional Management as soon as practicable about the determination and provide the details of the results of the pavement inspection. The ACSI should consider transmitting digital photographs of the paved area in question to management during the course of this coordination.
3. The ACSI will request the certificate holder implement immediate corrective measures that will mitigate the hazard and minimize the impact to air carrier operations until a more permanent solution can be put in place. This could entail closing the area to air carrier operations.
4. Based on the complexity of the airport, the ACSI will request the certificate holder coordinate with an airport engineering representative to formally assess and address the condition of the paved area. The ACSI will also coordinate with the FAA program manager in the Regional office or ADO. The ACSI should also inquire about existing projects, plans, and programming for future projects for pavement maintenance, overlays, and full reconstruction.

4.11.2.4 **Section 139.305(a)(2).**

A hole no larger than 5 inches in diameter, less than 3 inches deep, and with a sideslope of less than 45 degrees is not a discrepancy as a hole, but it might be considered a crack that affects the directional control of an air carrier aircraft. See also § 139.305(a)(3). If a hole is 3 inches or less in depth, it not a discrepancy under § 139.305(a)(2). If it exceeds 3 inches in depth, other tests need to be considered:

1. If the entire surface area of the hole can be covered by a 5 inch diameter circle, it is not a deficiency under § 139.305(a)(2). If the hole

**cannot** be covered by a 5 inch diameter circle and the sideslope at any point is 45 degrees or greater, it is a deficiency.

2. If the hole cannot be covered by a 5 inch diameter circle but the sideslope at any point in the hole is less than 45 degrees, it is not a discrepancy under §139.305(a)(2). It might be a discrepancy under § 139.305(a)(3) if it is determined the surface variation could impair the directional control of an air carrier aircraft.

4.11.2.5 **Section 139.305(a)(3).**

Longitudinal cracks are more likely to affect directional control of an air carrier aircraft than transverse cracks.

4.11.2.6 **Section 139.305(a)(4).**

Loose aggregate, foreign objects, rubber deposits, snow and ice clumps, and other contaminants that could be ingested into aircraft engines must be removed from paved areas promptly and completely.

4.11.2.7 **Section 139.305(a)(5).**

Chemical solvents used on pavement must be removed from paved areas promptly and completely.

4.11.2.8 **Section 139.305(a)(6).**

Pavement must be sufficiently drained and free from depressions.

## 4.12 Section 139.307, Unpaved Areas.

4.12.1 The certificate holder must maintain and promptly repair the surface of each gravel, turf, or other unpaved runway, taxiway, or loading ramp and parking area on the airport that is available for air carrier use.

4.12.2 The ACSI must determine if all unpaved areas available for air carrier use, including loading ramps and parking areas, are maintained properly. Unpaved surfaces may be comprised of stone or gravel, and include unpaved runways and taxiways. The ACSI should advise the certificate holder of any non-compliance and require corrective action.

## 4.13 Section 139.309, Safety Areas.

4.13.1 The certificate holder is responsible for properly maintaining the condition of the safety areas. The dimensions of the safety areas must be entered in the approved ACM, along with the design standards applicable to the associated runway. If safety areas do not meet current airport design standards, the ACSI should address this issue with the certificate holder and determine their actions to come into compliance with the current airport design standards.

4.13.2 Even if the full length/width of the design standard for a safety area cannot be achieved, it might be practicable to extend the safety area by a small incremental land acquisition. It may also require minor earthwork or the relocation of a ditch/culvert. Gaining as much safety area as possible is important for providing the maximum achievable level of safety.

4.13.3 Major pavement reconstruction projects, which are part of an overall plan to extend the useful life of the runway/taxiway, and similar major pavement rehabilitation efforts should be considered reconstruction and thus trigger the safety area requirements of § 139.309(a). The addition of a slurry seal or sealcoat, grooving, and pavement overlay designed only to protect the structural integrity of the existing pavement as a means of achieving its originally anticipated strength is not considered reconstruction under this provision. Significant expansion would include projects clearly designed to accept a different critical aircraft or to provide for increased payload or range for the existing critical aircraft using that pavement. As a guideline, extending a runway 500 feet or more is considered significant for the purpose of this provision.

4.13.4 The ACSI must have the ability to accurately check safety area dimensions that do not appear to be correct. The ACSI should note any significant discrepancy in the measurements of the safety area and any discrepancy in the maintenance of the safety area. It is often helpful to review any airport surveys or airport engineering surveys that have been conducted and may include the safety area dimensions.

4.13.5 The ACSI may have the vehicle operator drive in portions of the safety areas to evaluate surface conditions. Additionally, the ACSI should consider physically walking portions of the safety area if time and operations permit. This will facilitate further verification of potential discrepancies. Unusual airport conditions caused by seasonal variations, such as snow, mud, and water, are evaluated on a case-by-case basis.

4.13.6 Safety areas should support a vehicle or ARFF equipment during dry conditions and the inadvertent excursion of an aircraft without causing major damage. Safety areas must be cleared and graded and have no potentially hazardous humps, ruts, depressions, or other surface variations. They must be drained by grading or by storm sewers to prevent water accumulation. When safety areas are affected by weather, and vehicle traffic in the area is not recommended, the ACSI should consider inspecting the area on foot to check areas of interest. The ACSI must ensure communication with ATCT is initiated as required.

4.13.6.1 **Engineered Material Arresting System (EMAS).**

Where sufficient land cannot be acquired to meet RSA design standards, EMAS may be installed. The ACSI should ensure the certificate holder has adequate methods for inspecting EMAS to detect deterioration, inadvertent entry, and controlled entry. The certificate holder should also conduct training for airport personnel with access to the RSA to prevent vehicles and pedestrians from entering the EMAS. Any EMAS training required for airport personnel should take place as early as the initial

construction of the EMAS if possible. EMAS are not designed to support use by maintenance vehicles. EMAS requires a maintenance plan approved by the FAA. ACSIs should verify a maintenance plan is in place and appropriate records are available to ensure all required inspections and maintenance have been conducted by the airport operator and/or EMAS provider. ACSIs should take into consideration evaluating useful life of first-generation EMAS beds, including replacing and checking for NOTAM language when the bed is no longer reliable.

4.13.6.2 **Safety Area Conditions.**

4.13.6.2.1 Protection of the RSA and personnel in the RSA is the airport operator's responsibility. Any event that occurs in the RSA lies within the certificate holder's purview.

4.13.6.2.2 Unless fixed by function, no object is permitted within the RSA. Objects fixed by function and located in the RSA must be on frangible mounts and be no higher than 3 inches above grade. If the ACSI determines that an FAA NAVAID is not properly mounted, the ACSI should identify any grading discrepancy on the inspection report and note that the Regional Technical Operations Office will be notified of the condition. The ACSI should also advise the certificate holder to work with the Technical Operations Office to correct the discrepancy.

4.13.6.3 **Authorized RSA Activity.**

The airport operator, in consultation with the local ATCT and FAA Technical Operations, should consider air traffic operations, weather, and other conditions before allowing maintenance personnel or equipment into the RSA. A runway closure should be utilized prior to allowing personnel or equipment in the RSA. However, if it becomes necessary to gain access to the RSA without discontinuing air carrier/aircraft operations, activities may occur based on the conditions listed in a signed LOA (see AC 150/5210-20A, Ground Vehicle Operations to include Taxiing or Towing an Aircraft on Airports).

4.13.6.3.1 Safety Area Procedures.

The LOA defines the responsibilities and procedures parties entering into the agreement must consider for accessing, operating, and exiting the airport's RSA during air carrier or aircraft operations. Authorized RSA activity access should not be used for long-term access such as construction projects. In addition, personnel must maintain two-way radio communications with ATCT.

4.13.6.4 **Waiver.**

In a situation where a high-mass object currently penetrates any of the areas previously defined above, a waiver may be requested by the airport

operator provided there are proper safety considerations for vehicles and personnel to penetrate these areas during air carrier operations. High-mass objects include those substantial enough to cause considerable damage to aircraft. Examples include NAVAIDs mounted on large heavy structures and equipment shelters constructed of concrete.

4.13.6.4.1 The Regional Airports 620 Manager will approve these waivers on a case-by-case basis. The Regional 620 will coordinate any appeal of a denial with their Regional 600 and AAS-300.

4.13.6.4.2 Waivers will be documented through the Runway Safety Area Operations Plan (a letter or memorandum of understanding between the airport operator and any organization needing access to the RSA will suffice) and an amendment to the approved ACM. Such a plan requires any organization needing access to the RSA to specify when it must access this area and what procedures it will follow to ensure compliance with RSA restrictions. Waivers will be reviewed annually at the Regional level to determine if the condition still exists and to verify stated procedures are still in use, in order to ensure the highest level of safety.

## 4.14 Section 139.311, Markings, Signs, and Lighting.

4.14.1 The certificate holder must provide and maintain markings, signs, and lighting systems for air carrier operations on the airport that are authorized by the Administrator.

4.14.2 The ACSI must verify the marking, signs, and lighting systems are installed and maintained to and in accordance with FAA standards, specifications, maintenance tolerances, and the minimum requirements as identified in the regulations. The ACSI is responsible for verifying the following information:

1. Runways are marked as appropriate for the approach with the lowest authorized minimums to meet the standards in the current version of AC 150/5340-1, *Standards for Airport Markings.* Runways are lighted for the approach with the lowest authorized minimums to meet the standards in the current version of AC 150/5340-30, *Design and Installation Details for Airport Visual Aids*.
2. Proper alignment is established for the runway lights in both directions from each end and on the centerline. The ACSI should request the lights be cycled through all intensity levels. Lights should appear to be of uniform brightness, alignment, and correct color.
3. Runway hold position markings and surface painted hold position signs must be inspected for proper placement, reflectivity, and paint scheme.
4. Instrument runways must have the appropriate color lights. Airports with air carrier operations at night or during conditions below visual flight rules (VFR) minimums or instrument meteorological conditions (IMC) are required to provide yellow edge

lights (caution zone) on the runway end opposite the landing threshold for instrument runways in accordance with AC 150/5340-30.

5. In-pavement edge light fixtures, which include touchdown zone lighting, appear to be operating and installed properly.

6. During initial and periodic inspections, when the absence of edge lights at runway/runway or runway/taxiway intersections is noted, safety is compromised. This is especially important where two or more consecutive lights are missing. Generally, these situations should be corrected by the installation of additional fixtures. In determining whether an individual semi-flush fixture needs to be installed, the ACSI should consider the following:

   a. Are other visual cues available at the intersection, such as guidance signs or centerline lighting?

   b. Are the geometrics of the intersection complex?

   c. Would the addition of semi-flush fixtures possibly cause the pilot more confusion?

7. Based on the answers to the above questions, and the ACSI's judgment that a semi-flush fixture needs to be installed, the ACSI should request an immediate installation or installation in the next planned electrical project.

8. On the annual inspection report, the ACSI will document the missing fixtures and, where applicable, the steps taken for installation. This should also be documented in CCMIS under Remarks.

9. Taxiways are equipped with required centerline markings. Taxiway edge markings are required where the full-strength pavement of the taxiway is not readily discernible or where the taxiway is outlined in a large paved area such as an apron.

10. There are two types of taxiway edge markings: Continuous, to indicate that the aircraft must not cross, and Dashed, where there is a need for aircraft to cross a contiguous area. See AC 150/5340-1 for additional guidance.

11. Additionally, if the airport is open at night or during IMC conditions, the taxiways must have at least one of the following taxiway lighting systems: centerline lights, enhanced centerline lights, centerline reflectors, edge lights, or edge reflectors.

12. Guidance signs are installed in accordance with the approved airport signs and marking plan. Specifications for sign systems are contained in ACs 150/5340-18 and 150/5345-44.

13. During the first inspection after the installation of the new signs, the ACSI must verify that each sign (location, message, and color scheme) has been installed in accordance with the sign and markings plan, which is incorporated into the ACM.

14. In preparation for subsequent inspections, the ACSI should review the airport sign and markings plan as part of inspection preparation. During the inspection, the ACSI should look at the signs during the movement area drive around, noting color, lighting, message, accurate direction, and any missing signs. Physical sign and

marking layout and identifiers should be compared to the sign and marking plan to validate applicable discrepancies.

15. When a development project requires the addition of new signs or deletion of existing ones, the ACSI should verify these additions or deletions are in accordance with the sign and marking plan prior to the installation/removal of signs. Once the new signs are installed or removal takes place, the sign and marking plan must be updated and approved by the ACSI.

16. Signs must be lighted if the runway or taxiway on which they are located is lighted. Section 139.311(b)(1)(ii) and (iii) apply to all airport classes. Section 139.311(b)(1)(i) applies to Class I, II, and IV airports. Holding position signs and any co-located location signs and runway exit signs must be lighted if the runway for which they are installed is lighted, even if the taxiway on which they are installed is unlighted.

17. Plans requiring special marking and lighting are in compliance with approved standards.

18. The airport is equipped with an operable airport rotating beacon if it is open during hours of darkness or during Instrument Meteorological Conditions (IMC). ACs 150/5300-13 and 150/5340-30 contain the standards for rotating beacons.

19. Airport-owned approach lighting systems (ALSs) are properly maintained. Approach lighting owned by the airport [e.g., visual glideslope indicator systems (VGSI), runway end identifier lights (REILs), and ALSs] is covered by this section. If the airport operator owns the REIL/VGSI systems, there are also required procedures for checking calibration. Required VGSI maintenance schedules are found in AC 150/5345-26. See AC 150/5340-30 for procedures on new VGSI systems and the flight-check requirements.

20. For approach lighting systems not owned by the airport, the certificate holder is responsible for inspecting them to ensure they provide accurate reference to the airport users and for reporting any outages to the owner.

21. Obstruction lights are operable. The ACM should contain a list of lighted obstructions.

22. Marking and lighting systems on the airport are properly maintained. Properly maintained includes cleaning, replacing, or repairing any faded, missing, or non-functional item of the marking or lighting system; keeping each item unobscured and clearly visible; and ensuring each item provides an accurate reference and is in alignment when viewed by the user. AC 150/5340-26 discusses preventative maintenance practices for in-pavement lighting systems.

23. If the airport operator owns a standby generator for the movement area lighting, the ACM should include a method for the periodic testing of the equipment. See the manufacturer's recommendations and AC 150/5340-30. Maintenance records of the standby generator should be available for review, and the ACSI should consider a test operation of the generator if periodic testing procedures do not appear to be adequate.

24. Other airport lighting on the airport for aprons, roadways, buildings, and other areas are adequately adjusted or shielded to prevent interference with ATCT and aircraft operations. See AC 150/5340-30 for additional guidance.

25. The certificate holder has implemented the requirement for glass beads. See AC 150/5340-1 for the use of glass beads in 11 types of permanent pavement markings.

4.14.3 Restrictions to Instrument Approach Minimums.

On runways where non-standard edge lighting separation exists, Flight Standards may restrict minimums for Standard Instrument Approach Procedures. This is most likely in the cases of precision instrument approaches and night minimums for non-precision approaches. However, on a case-by-case basis, Flight Standards may give consideration to the presence of other runway lighting systems (e.g., centerline and touchdown zone lights) when making a decision to restrict approach minimums.

4.14.4 Land and Hold Short Operations.

4.14.4.1 At airports where Land and Hold Short Operations (LAHSO) are conducted, all LAHSO locations must have the required marking and signs, and the signs must be included in the Airport Sign and Marking plan. Both markings and signs must be examined as part of the Part 139 inspection. Hold signs are located on both sides of the runway, and signs are required to be lighted if LAHSO-Night or LAHSO-Wet is authorized.

1. Order 7110.118, *Land and Hold Short Operations*, addresses LAHSO, and ACSIs should refer certificate holders to the ATCT for information on their specific responsibilities for LAHSO. No waivers or exemptions will be issued to the procedures contained in Order 7110.118.

2. LAHSO can be approved for intersecting runways, intersecting taxiways, intersecting approach/departure paths, and a predetermined point on the airport.

3. LAHSO is conducted according to an LOA between the airport operator and the ATCT facility on the airport. The Part 139 involvement in LAHSO consists primarily of a review of the LOA and ACM, as well as inspection of the signs and markings.

4. The LOA specifies the location at which LAHSO can be conducted and the type of operation. The LOA is developed by a LAHSO team consisting of the FAA, the airport, airport users, and other interested parties as identified in Order 7110.118.

5. If the airport has an approved LAHSO involving air carrier aircraft, a copy of this document must be incorporated into the ACM. The LOA must address at a minimum, the following:

   a. Procedures for use of LAHSO at specific locations on the airport.

b. Installation and maintenance of required markings, signs, and lighting.

c. Determination of the measured length of the Available Landing Distance (ALD). The airport operator is responsible for measuring the ALD and providing this measurement to ATC.

d. Coordination procedures for prompt exchange of required information.

4.14.4.2 A revision should also be made to the ACM section on airport lighting and marking to describe the air carrier's LAHSO currently in effect. In addition, the signs associated with the LAHSO must be shown in the sign and marking plan. The airport operations personnel and airport inspectors should be familiar with the signs, markings, and lighting requirements associated with the LAHSO and LOA. This will ensure outages of required equipment are promptly reported in accordance with the ACM procedure, and the LAHSO can be terminated when necessary.

1. **LAHSO Markings and Signs.** All LAHSO locations require marking and signs; both must be examined during the Part 139 inspection. Hold signs are located on both sides of the runway within 10 feet in front of the runway hold position markings. LAHSO signs are required to be lighted if LAHSO-Night operations are authorized. Standards for the runway/runway LAHSO signs can be found in AC 150/5340-18.

   a. Signs used for LAHSO of a designated point on the airport and an approach/departure path should read "HS-1" and be numbered in consecutive order as procedures are developed. They should be designated in accordance with the mandatory instruction sign standard, Type L-858R, found in AC 150/5345-44, *Specification for Runway and Taxiway Signs.*

2. **LAHSO Lights**. LAHSO lights are required for all LAHSO except non-air carrier to non-air carrier runway/runway daytime LAHSO. The installation standards for LAHSO lights are found in AC 150/5340-30.

   a. When two or more lights in a LAHSO light bar are not functioning, the entire bar is considered out of service, and operations must be terminated. If the lights are found to be out of service and LAHSO that required lighting are continued, the airport may be in violation of Part 139 based on operational procedures outlined in the approved ACM.

   b. There must be only one designated hold short point per operational direction on a runway.

   c. Air carrier and/or mixed LAHSO are authorized only if the landing runway has an electronic or visual glideslope indicator. The pulsed

light approach slope indicator (PLASI) may not be used to provide visual glideslope information during LAHSO.

3. **Precision Obstacle Free Zone (POFZ).** The POFZ is an area prior to the landing threshold of LPV and Cat I, II, or III runways that must be protected when aircraft are within a 2 mile final during low ceilings less than 250 feet or visibilities less than ¾ mile/4000 Runway Visual Range (RVR). The POFZ area measures 200 feet prior to the landing threshold and extends 400 feet each side of the extended runway centerline. An approach surface extends out from the POFZ. ACSIs should consult the Regional Airspace Procedures Team (RAPT) to address POFZ requirements and any unique impacts to airport operations due to POFZ. AC 150/5300-13 can be referenced for additional guidance.

## 4.15 Section 139.313, Snow and Ice Control.

4.15.1 The certificate holder of an airport where snow and icing conditions occur is responsible for preparing, maintaining, and executing a Snow and Ice Control Plan (SICP) approved by the Administrator. This plan is incorporated into the approved ACM. Compliance is contingent upon the prompt execution of the plan. Specific requirements for the plan are detailed in §139.313(b) (1) through (5); additional guidance can be found in AC 150/5200-30, *Airport Winter Safety and Operations*.

4.15.2 During airport inspections, the ACSI should pay close attention to the following:

1. Is the airport operating in accordance with the SICP? Is staffing adequate to successfully support the SICP? Look for adequate snow crew response to deteriorating conditions or braking action reports of POOR or NIL.
2. Are the airports' clearing priorities defined? Does the airport have sufficient equipment to meet the clearing priorities per the ACM? Is the equipment operational and properly maintained?
3. Does the airport have a sufficient stock supply and the correct types of de-icing agents? Is it stored properly? Is the airport appropriately applying the agents according to wind, precipitation, temperature, and weather forecasts?
4. What are the training and record-keeping procedures for the snow crew?
5. Is the condition reporting adequate? Review reporting from the most recent snow event.
6. Does the airport have provisions for a Snow Control Committee and Snow Control Desk? Look for good communication techniques between the snow crews, the snow desk, and Air Traffic Control.

4.15.3 The ACSI should also take advantage of any opportunity to conduct an airport inspection during the winter months since the best way of evaluating an SICP is by observing actual snow and ice removal operations.

## 4.16 Section 139.315, Aircraft Rescue and Firefighting: Index Determination.

4.16.1 Index Determination.

An index is required by § 139.315(c) for each certificate holder. The index is determined by a combination of the length of the air carrier aircraft, expressed in groups, and average daily departures of air carrier aircraft.

4.16.1.1 If there are five or more average daily departures of an air carrier aircraft in a single group, it is the longest aircraft with an average of five or more daily departures that determines the index.

4.16.1.2 If there are fewer than five air carrier departures in the longest group serving the airport, the index will be index below the longest group. The minimum designated index for any airport will be Index A.

4.16.1.3 Section 139.315(b) contains the air carrier groups as determined by length.

4.16.1.4 The certificate holder is responsible for providing the required level of ARFF capability for the aircraft operating at the airport.

4.16.1.5 The certificate holder of a Class III airport has an option to meet the Index A requirement or to provide a level of safety comparable to Index A. If the Class III operator elects the comparable level of safety, the specifics of what is provided will be approved by the Administrator. This alternate compliance must be described in the approved ACM and include the following:

- Pre-arranged firefighting and emergency medical response procedures, including agreements with the responding services;
- Means for alerting firefighting and emergency medical response personnel;
- A description of the type of rescue and firefighting equipment used and the training for the above-named personnel on airport familiarization and airport communications.

4.16.1.6 Class III certificate holders are not subject to the timed-response drill from their point of origin. An ARFF emergency response drill should instead be conducted with the ARFF personnel staged at the airport as if during an air carrier operation (15 minutes before to 15 minutes after the arrival).

## 4.17 Section 139.317 ARFF: Equipment and Agents.

4.17.1 The ACSI is responsible for determining if the firefighting equipment and agents are appropriate for the index, as specified in § 139.315. The ACSI should also check the discharge capacities and agent capacities to ensure they meet requirements.

4.17.2 The ACSI should check the performance of AFFF. All AFFF purchased after July 1, 2006, must conform to military specification. AC 150/5210-6, *Aircraft Fire and Rescue Facilities and Extinguishing Agents*, refers to the performance requirements for AFFF, which is the same as that used by the military [see MIL-F-23485F, Fire Extinguishing Agent, Aqueous Film Forming Foam (AFFF) Liquid Concentrate, for Fresh and Seawater, dated January 7, 1992, as amended]. While the FAA does not recommend that airports discard their current inventory of Underwriters Laboratories (UL) 162 AFFF, we require all purchases after July 1, 2006, to conform to the MIL-F-24385F specification.

4.17.3 The ACSI should check reserve inventory of AFFF, dry chemical/Halotron, and propellant. AFFF must be listed on the current or historical DoD Quality Products Database (QPD) for Mil Spec AFFF, MIL-F-24835-1. If AFFF is observed that is not on the DoD QPD, check the date it was purchased. UL 162-rated AFFF purchased before July 1, 2006, can continue to be used until depleted. In addition, AFFF that was purchased after July 1, 2006, that was previously listed on the QPD but is no longer listed, can continue to be used until depleted.

4.17.4 While inspecting reserve AFFF, ACSI should be on the lookout for Alcohol Resistant (AR) and Alcohol Type Concentrate (ATC) AFFF. These foams will be listed as AR-AFFF or ATC/AFFF and look similar to regular AFFF labels. These types of foams are sometimes purchased for airport use when local foam specifications are used, but they are not acceptable substitutes for use on the airport in index vehicles.

## 4.18 Section 139.319. ARFF: Operational Requirements.

4.18.1 The certificate holder is responsible for providing the ARFF capability specified in § 139.317, as determined by the airport's index. If index requirements increase, the certificate holder must comply with the increased requirements.

4.18.2 If an airport experiences a decrease in the number of departures of the critical aircraft or a decrease in the length of the aircraft serving the airport, the certificate holder may reduce the ARFF capability to a lower level, which corresponds to the index group of the longest air carrier being operated. This procedure must be annotated in the approved ACM.

4.18.3 If there is a permanent reduction in the average daily departures, the airport can reduce the index as soon as the actual activity drops to the lower index level. This reduction must be approved and included in the ACM.

4.18.4 An airport that temporarily loses a required ARFF vehicle can reduce its index (provided the remaining equipment is appropriate) and allow up to four aircraft daily departures of the original index without being in violation of § 139.315(c).

4.18.5 The certificate holder must report permanent changes in ARFF index and include remarks about the index coverage at an airport on lines A-26 and A-110 of the Airport Master Record, which must be annotated as "Additional Information" and then signed.

4.18.6 If an index change occurs, and the certificate holder does not have the reserve ARFF equipment to meet the higher index, the airport has the following options:

1. Arrange for the lease or purchase of ARFF equipment appropriate for the index.
2. If equipment cannot be supplied before the proposed operation occurs, delay the new service until the appropriate equipment is in place or seek a temporary exemption from § 139.317, with Flight Standards concurrence until appropriate ARFF support is available.

4.18.7 If an airport experiences a reduction in ARFF capability, procedures in § 139.319(d)(1) through (3) must be implemented.

4.18.8 Vehicle communications must comply with the requirements of § 139.319(e). This can be either a fixed-base station mounted in the vehicle, a portable radio, or combination.

4.18.9 Vehicles must be marked and lighted per § 139.319(f), and vehicle readiness must be maintained per § 139.319(g). Each required vehicle must be operationally capable of performing the required functions and must be provided shelter adequate to protect it from freezing temperatures and from other harmful atmospheric effects.

4.18.10 If a required vehicle becomes inoperative and cannot be repaired or replaced within 48 hours, § 139.319(g)(3) requires the airport operator to limit air carrier operations to those compatible with the index corresponding to the remaining operative ARFF equipment. ***Example:*** An airport with Index E ARFF capability temporarily loses an ARFF vehicle. The airport, after 48 hours, must reduce to the index that it is able to support (provided the remaining equipment is appropriate) but can allow up to four average daily departures of the next higher index.

4.18.11 Index A airports must issue a NOTAM that ARFF is unavailable immediately upon verifying Index A cannot be maintained.

4.18.12 All ARFF personnel must be equipped in a manner sufficient to perform their duties.

4.18.13 At joint-use facilities, civilian certificate holders must comply with Part 139 sections that are under their areas of responsibilities. If there is a civilian operation (of an air carrier aircraft with more than nine passenger seats) on a joint use facility for which the military or other entity refuses to provide ARFF coverage, it is the civilian airport operator's responsibility to arrange for ARFF coverage. Otherwise, the airport may not receive flight operations. ***Example:*** A civilian air carrier flight is scheduled to arrive

into a joint-use facility late at night. The military decides to close ARFF services before the flight's arrival. The civilian airport operator must arrange for ARFF coverage for the flight or it cannot land at the airport.

4.18.14 If ARFF is provided by the military or National Guard, the ACSI cannot conduct a physical inspection of ARFF facilities or conduct a response test. However, documentation of ARFF operations and training must be provided to the airport operator by the military ARFF department for ACSI review. (See CertAlert 12-05, *FAA Safety Inspections of Joint Use Airport (JUA) Facilities Using Standard Operating Procedure (SOP) for Determining ARFF Compliance with Part 139 Requirements.*)

4.18.15 The ACSI is responsible for determining if the airport is equipped with sufficient ARFF vehicles to meet the airport index during air carrier operations. ARFF equipment required to meet the index must be listed in the approved ACM. Backup equipment must be listed separately and shown to be "equal" to the required equipment in terms of response time, discharge rate, communications capability, and agent quantities.

4.18.16 The ACSI must determine if changes to the ARFF index are substantiated by increases or decreases in daily departures of the critical aircraft. If as a result of an increase in the average daily departures, the longest aircraft group is four or less, the ARFF index will decrease to the next lower index to the longest aircraft group. If as a result of an increase in the average daily departures, the longest aircraft group is five or more, the ARFF index will increase accordingly.

4.18.17 Technically, a required ARFF vehicle is inoperative during preventive maintenance if it cannot meet response requirements. At airports that do not have extra ARFF equipment, maintenance must be scheduled during periods when air carriers are not operating. The airport operator must notify the FAA and air carriers when ARFF equipment required to meet index requirements breaks down and cannot be immediately repaired. During normal business hours, the airport operator should report the situation to the ACSIs for that Region. During non-business hours, the report should be made to the Regional Communications Center or applicable Service Center, which should contact the Airport Certification staff if it appears a reduction in index will be required after 48 hours.

**Note:** If the ARFF department is required to make medical response runs using an ARFF vehicle, that vehicle is considered unavailable during the medical response.

4.18.18 The ACSI must determine whether all ARFF personnel are equipped in a manner sufficient for their duties. Such equipment must include a protective coat, protective trousers, a protective helmet, boots, Nomex head sock, Personnel Alert Safety System device if not integrated into the self-contained breathing apparatus (SCBA), gloves, and positive pressure SCBA that meets current NFPA standards.

4.18.19 The ACSI should confirm all ARFF personnel who engage in any rescue or firefighting operations are wearing the complete protective clothing ensemble, including SCBA, during responses unless directed by the officer-in-charge to remove it. This requirement

does not apply to ARFF vehicle driver/operators unless they are expected to operate handlines or effect rescue operations. However, the ARFF vehicle driver/operator must have protective equipment readily accessible. Initial responders to a crash site who will operate handlines to extinguish fires or be involved in rescue operations should wear proximity suits. However, structural bunker gear, which meets current NFPA standards, is acceptable.

4.18.20 The ACSI must confirm the ARFF training curriculum meets the requirements of § 139.319(i)(2) and ARFF personnel can demonstrate their knowledge in required areas. See § 139.319(i)(2)(i)-(xi). The FAA Aircraft Rescue and Fire Fighting Training DVDs may be used in conjunction with site-specific comprehensive training programs. AC 150-5210-17 must be referenced for ARFF training curriculum guidance.

4.18.21 The ACSI must review training records for ARFF personnel. Training records must indicate all ARFF personnel have received initial training prior to commencing their duties or confirm completion of the required recurrent training. Additionally, ARFF personnel must have participated in at least one live-fire drill in the previous 12 consecutive calendar months. A live-fire drill must include a pit fire with an aircraft mockup, i.e., the intensity of the drill should be comparable to the air carrier aircraft operating at the airport. In the context of this section, "live-fire drill" has the same meaning as "simulated aircraft fire."

4.18.21.1 This requirement is not intended to limit the personnel to whom the regulation applies or to limit the annual fire training categories in which personnel perform. Rather, it clarifies what is acceptable for meeting the standards of the regulation. The objectives of this training are to enhance firefighter confidence in his/her ability and equipment, to provide firefighting experience commensurate with the level of public protection indicated by the ARFF index of the airport, and to develop effective firefighter tactics, strategies, and procedures.

4.18.21.2 In addition, this requirement addresses the issue of applicability, i.e., to whom § 139.319(i)(3) does and does not apply. Section 139.319(i)(6) states the certificate holder must ensure sufficient rescue and firefighting personnel are available during all air carrier operations to operate the vehicles, meet the response times, and meet the minimum agent discharge rates required.

4.18.21.3 **Required ARFF Personnel.**

For ARFF personnel who perform in a "required" capacity to meet the requirements of § 139.319(i)(5), the following guidance applies:

4.18.21.3.1 An acceptable live-fire drill consists of fighting a fire from the position in which the firefighter would be expected to perform. For example, for the firefighter who normally performs on the handline, handline training would be part of the annual requirement. For the driver/operator who

normally operates the turrets of the ARFF vehicle, it would be preferable for the firefighter who operates the turret(s) to meet the annual requirement using the turret(s). However, many training programs have all participants working the handlines, and it would be acceptable for the driver/operator to meet the annual requirement by training on the handline. It would not be acceptable for a handline firefighter to use training on the turrets to meet the annual requirement.

4.18.21.4 **Personnel for Whom ARFF Participation is Not a Normal or Required Responsibility.**

Such personnel would not be expected to complete the annual live-fire training. ARFF personnel who are not expected to fight fire are not considered "required" personnel, i.e., that group of ARFF personnel who are designated to meet the requirements of § 139.319(i)(5). Examples of this might include a firefighter dispatcher whose sole responsibilities involve communications, a fire chief or assistant fire chief, or a fire marshal or inspector. Part 139 sets forth minimum requirements for compliance. While § 139.319(i)(3) sets forth minimum requirements for ARFF, as delineated above, the FAA encourages training in multiple categories for ARFF personnel who perform in several positions.

4.18.22 The airport should have a training program for all ARFF Index vehicles. The training should also include all turrets, handlines and nozzles on the vehicle. For example, if the airport has an ARFF vehicle equipped with a high reach extendible turret (HRET), check to ensure the ARFF department has an HRET training curriculum based on guidance in AC 150/5210-23, *ARFF Vehicle and High Reach Extendable Turret (HRET) Operation, Training and Qualifications*. The training program should cover any other special equipment, including the Forward Looking Infra-Red System (FLIRS), the Driver Enhanced Vision System (DEVS), and the dry chemical/clean agent system. For airports with HRET-equipped vehicles, the airport should also have an HRET training mockup or an HRET computer simulator training program. During the ARFF inspection, the ACSI should have ARFF personnel demonstrate proficiency in making a penetration on a HRET training mockup if available.

**Note:** If the airport uses a simulator, the simulator must have the same controls as found in vehicle, in order to be acceptable.

4.18.23 If the airport has an approved SMGCS Plan, the ARFF crews need to know their procedures and responsibilities under the plan. If there is equipment in the ARFF vehicles specifically used to assist during times of low visibility, verify ARFF personnel have been trained and can demonstrate competency with the equipment.

**Note:** This should be part of the training curriculum.

4.18.24 The ACSI must confirm that at least one individual, who has been trained and is current in basic emergency medical services, is available during air carrier operations. It is not necessary for the emergency medical person to be one of the ARFF personnel, nor is it

required this person meet the timed response requirements established in §139.319 (i)(2). However, "on duty" during air carrier operations does mean there must be some assured means of having the individual available. For example, an ambulance service located near the airport with personnel trained in the requirements of § 139.319(i)(4), responding during air carrier operations. It is recommended to document this agreement in the form of an LOA between the provider and the airport. While the standard 3- to 4-minute response time of the ARFF unit is not required, the response should be rapid enough to be useful in providing the initial basic medical care.

4.18.24.1 Red Cross training programs are acceptable if they cover the nine areas identified in the regulation and consist of a minimum of 40 hours of instruction.

4.18.25 The ACSI must ascertain if sufficient ARFF personnel are available to operate the required ARFF vehicles in accordance with § 139.319(i)(5).

4.18.26 Timed-Response Drill.

4.18.26.1 The ACSI must conduct a response drill, and a successful response time must be recorded prior to the completion of the inspection. Failure of the airport ARFF to return a successful response time might indicate the need for substantive changes in some aspect of ARFF and their response. A successful response time entails:

1. At least one required ARFF vehicle required by index responds to the midpoint of the farthest runway serving air carrier aircraft from its assigned post or reaches any other specified point of comparable distance on the movement area that is available to air carriers and discharging agent within 3 minutes of alarm.
2. Within 4 minutes of alarm, all other required vehicles reach the point specified in paragraph (h)(2)(i) of Section 139.319 from their assigned posts and begin application of an extinguishing agent.

4.18.26.2 It is important to time the response accurately. The timing begins with the activation of the first alarm signal to the fire agency responsible for ARFF at the airport. Usually this will be when ATC picks up the phone or sounds the alarm, siren, or klaxon. A visual cue (e.g., strobe light activation or dormitory light illumination) may also be given. The fire agency is usually the firehouse where the vehicles and crews are stationed, but it could also be a fire service dispatch office that controls the movement of crews and vehicles at a different location. It is important the timing includes any message that must be given, crew assembly, coordination, or other process that occurs as part of the response. Problems meeting the response time might indicate the notification process needs to be modified to eliminate time-consuming communications or coordination. (If the ARFF is alerted via a 911

dispatcher, then the time should start when the ring down is initiated from the 911 dispatcher by the "time-out" given by the 911 dispatcher.)

**Note:** If due to unsafe conditions (weather) during the inspection, the ACSI is unable to conduct the ARFF timed-response drill, the ACSI will annotate the reason, contact the regional Division Manager (620 or 600) and let them know of the situation. Upon returning, the ACSI will work with the Regional Division Manager (620 or 600) to set an appropriate time to return to the airport to complete the ARFF timed response. The return should be within 90 days. The inspection cannot be closed out until completion of the ARFF timed response.

4.18.26.3 The ACSI must ensure the certificate holder demonstrates compliance with the provisions of this section. Additional time should not be added or subtracted to the timed response to accommodate or address conditions that exist at a specific facility. For example, if the doors of the fire station are open at the time of the alarm, the ACSI cannot add to the time it takes for the vehicles to respond.

4.18.26.4 The ACSI must retest if the certificate holder initially fails to demonstrate the ability to comply with the performance requirement of this section.

**Note:** The ACSI must not conclude the physical inspection of the airport until the certificate holder exhibits the ability to conduct a successful ARFF response or show an operational procedure is in place which demonstrates the ability to meet the performance requirement of this section.

4.18.26.4.1 These procedures might include the closure of a runway to air carrier operations or the repositioning of an ARFF vehicle during air carrier operations. In some situations (e.g., an existing runway was lengthened or a new runway built), the construction of a supplemental ARFF station might be the long-term solution. A test must be performed to ensure the newly implemented procedure is effective. Subsequent surveillance inspections might be required to ensure continued compliance.

4.18.26.5 At the discretion of the ACSI, a discharge of water may be used in lieu of other agents during the timed response drill. However, a demonstration of the discharge of the agents not used in the response drill (except for Halon 1211 or Halatron) must be conducted for all vehicles used to meet the index requirements before the conclusion of the inspection to ensure the adequate capability. The ACSI may forgo testing dry chemical if the airport can document maintenance and testing of the system within the last 6 months.

4.18.26.6 The ACSI may conduct ARFF response drills at night or during inclement weather. However, discretion must be used to ensure safety is not

compromised. If there is a question as to whether a drill can be conducted safely, it should be postponed. When conducting the timed response, the ACSI should keep in mind the times given in the regulation are based on a direct path on dry pavement under good weather conditions. If the drill is conducted at night or in other than dry conditions, the response times may be adjusted at the discretion of the ACSI to allow for the adverse condition. It is the ACSI's prerogative to select the location from which to conduct the response drill on the airport.

4.18.27 During the inspection, the ACSI can request ARFF personnel to conduct a refractometer or conductivity test on at least one required response vehicle with a foam-proportioning system. By observing the preparation for, and performance of, this test, the ACSI will be able to gauge the ARFF personnel's knowledge of the vehicle and its systems. If the certificate holder has records that indicate these tests have been within the last 6 months, the ACSI may accept these as proof of the integrity of the system and forego requesting the refractometer test in person if they so choose. In addition to manufacturers' performance testing, ARFF vehicles will be tested on a schedule set by the authority having.

4.18.27.1 Based on *Evaluation of Conductivity Meters for Firefighting Foam* (DOT/FAA/AR-02/115) and NFPA 412, the FAA finds both the use of refractometers and conductivity meters as acceptable methods of testing ARFF vehicle foam-proportioning systems.

4.18.28 The ACSI must confirm all designated emergency access roads are maintained for all weather conditions per the SICP. Emergency access roads are those required to meet ARFF requirements. Roads constructed specifically for use by emergency vehicles must be considered as emergency access roads and must be designated in the approved ACM. Additionally, service roads located in the safety area funded under a Federal grant program (justified on the basis of ARFF access to the runway and RSA) must be designated by the airport operator as emergency access roads and maintained as such during all weather conditions.

4.18.29 The ACSI is responsible for confirming the approved ACM includes procedures for repositioning ARFF vehicles to maintain required index response capabilities and/or conditions and procedures for reducing ARFF index when the required vehicles/personnel/agents are unavailable to respond to an emergency. This includes those situations in which equipment and personnel are on or off the airport responding to an emergency and are unavailable to provide the published index capabilities. Procedures must include notifying the carriers of a reduced index through normal air carrier notification procedures and use of NOTAMs. While certificate holders should not be encouraged to respond to off-airport non-aircraft emergencies, they might have mutual aid agreements in place that call for this support in certain circumstances. Since the concept of mutual aid relies heavily on this sharing of support, it is recommended mutual aid use of ARFF equipment is limited. When used, however, such agreements

should provide for immediate return to the airport as soon as structural or other relief equipment arrives.

4.18.29.1 If there is a reduction in ARFF capability and the certificate holder immediately issues the required airline notices and NOTAMs of reduced index capability, there is no deficiency or discrepancy with respect to the regulation.

4.18.29.2 If ARFF vehicles respond to an emergency, on or off the airport, involving an air carrier accident/incident and the air carriers were not notified of a change to the index (including issuance of NOTAM), the certificate holder could file for a deviation in accordance with § 139.113.

## 4.19 Section 139.321, Handling and Storage of Hazardous Substances and Materials.

4.19.1 Each certificate holder who acts as a cargo handling agent must establish and maintain procedures for the protection of persons and property on the airport during the handling and storing of any material regulated by the Hazardous Material Regulations (49 CFR parts 171 through 180) that is, or intended to be, transported by air.

4.19.2 The ACSI is responsible for ensuring the certificate holder is maintaining adequate oversight of fueling agent activities on the airport.

4.19.2.1 A fueling agent is defined, for the purposes of this regulation, as "A person or company that sells fuel products on the airport." This is intended to exclude the self-fueling activities of an airline or corporation that conducts self-fueling. Furthermore, 14 CFR Parts 121, *Operating Requirements: Domestic, Flag, and Supplemental Operations, and 135, Operating Requirements: Commuter and On Demand Operations and Rules Governing Persons on Board Such Aircraft*, require air carriers to include in the approved operations specifications "procedures for refueling aircraft, eliminating fuel contamination, protecting from fire (including electrostatic protection), and supervising and protecting passengers during refueling."

4.19.2.2 Section 139.321 (c) through (g) address the responsibilities of and requirements imposed upon "fueling agents" on the airport and, therefore, exclude those persons and companies who self-fuel. The fueling agent may include the certificate holder. This includes the fuel farms operated by these persons or companies. However, the ACSI should remind certificate holders to include these facilities in their surveillance inspections in the interest of maintaining overall airport safety. These recommended surveillance inspection records do not have to be inspected by the ACSI and are not subject to § 139.321 requirements.

4.19.2.3 Section 139.321 (c) requires the certificate holder to exercise "reasonable surveillance on all fueling activities on the airport." General aviation (GA) "self-fuelers" are included in the oversight requirement. These self-fuelers might be corporate or large aircraft operators that provide their own fueling service and private small aircraft owners who perform refueling operations on their own planes.

4.19.2.4 The FAA recommends that certificate holders establish basically the same requirements for GA large aircraft operators as for fueling agents. To meet this requirement, certificate holders might arrange for the local fire marshal or firefighting training officer to review the procedures used by GA large aircraft operators and provide training on cover bonding, local fire safety regulations, use of fire extinguishers, and fuel spill procedures.

4.19.2.5 For small self-fuelers, certificate holders should establish a permit system, confine these operations to a designated area, and require fire extinguishing equipment to be in place. Users should be trained in operation of the fire extinguisher, have knowledge of bonding and local fire regulations, and be familiar with fuel spill procedures before they receive a permit.

4.19.2.6 ACSIs should inspect a sample of fuel facilities, including fuel trucks, on the airport to ensure compliance. The size of the sample is at the ACSI's discretion. As stated in Paragraph 4.7.5, ACSIs use this sample to validate the actions of the certificate holder as they inspect fuel facilities.

4.19.2.7 ACSIs must ensure at least one supervisor with each fueling agent has completed an acceptable fire safety course within the previous 24 consecutive calendar months. This course may be one conducted by the airport in conjunction with the local fire facility, or it may be one of the nationally acceptable training courses reviewed by AAS-300 and listed in the Addendum to AC 150/5230-4, which is updated quarterly. A locally developed course must be reviewed by the ACSI to determine its acceptability. Guidelines for reviewing courses are also available in AC 150/5230-4.

4.19.2.8 ACSIs ensure compliance with fire safety training. Prior to assuming a supervisory position, an individual must have completed initial training or be enrolled in an authorized supervisory aviation fuel-training course that will be completed within 90 days. Recurrent training is required at a minimum of every 24 consecutive calendar months.

4.19.2.9 ACSIs must confirm that training records document that all other employees who fuel aircraft, accept fuel shipments, or otherwise handle fuel have received at least initial on-the-job training in safe handling and,

thereafter, have received recurrent training every 24 consecutive calendar months from the supervisor named in the preceding section.

## 4.20 Section 139.323, Traffic and Wind Indicators.

4.20.1 The certificate holder is responsible for installing a wind cone that provides surface wind direction information to all pilots. For each runway available to air carrier use, a supplemental wind cone is required. They should be installed at the runway end or at least at a point visible to the pilot during takeoffs and landings. The primary wind cone must be installed so that it does not interfere with design criteria or with Part 77 criteria. Supplemental wind cones must be installed outside the Obstacle Free Area (OFA) and the RSA unless there is a documented operational need for its placement inside the OFA/RSA. If the airport is open to air carrier operations during hours of darkness, the wind direction indicators must also be lighted. See ACs 150/5340-30 and 150/5345-27 for lighting options for wind cones.

4.20.2 For airports serving any air carrier operation when there is no control tower operating, a segmented circle, a landing strip indicator, and a traffic pattern indicator must be installed around a wind cone for each runway with a right-hand traffic pattern.

4.20.3 The ACSI is responsible for evaluating whether there are an adequate number of wind direction indicators. If the airport has a right traffic pattern, the ACSI must ensure the segmented circle provides the correct information and is properly maintained. ACSIs should additionally ensure wind cones are properly sited, lights and obstruction lights are functional, and the fabric (white, yellow, or orange) is serviceable and the wind cone swings freely. The fabric should not be faded or frayed; no lettering is authorized on wind cone fabric per AC 150/5345-27.

## 4.21 Section 139.325, Airport Emergency Plan.

4.21.1 The certificate holder is responsible for developing and maintaining a written document entitled the Airport Emergency Plan (AEP). The plan is intended to minimize the possibility and extent of personal injury and property damage on the airport in an emergency. The AEP should address and describe procedures for prompt response to the emergencies listed in § 139.325 (b).

4.21.2 The ACSI is responsible for determining whether the AEP addresses those emergencies and associated actions outlined in § 139.325. ACSIs are responsible for ensuring the airport certificate holder complies with each requirement outlined in this section.

4.21.2.1 A careful and thorough review of the certificate holder's AEP against the specifics of § 139.325 will reveal deficiencies and areas requiring greater detail. An administrative review can be conducted prior to the airport inspection, and once on site, the ACSI can review the AEP with the certificate holder to address any questions or concerns. ACSIs should

consider reviewing any LOAs, Memorandum of Understandings (MOUs), and Memorandum of Agreements (MOAs) associated with the AEP to confirm they are current and still in effect.

4.21.2.2 ACSIs are encouraged to speak with various airport personnel who maintain duties and responsibilities within the AEP to ensure training has been accomplished on the plan details. Airport personnel having responsibilities in the plan must be properly trained, with the training documented, to ensure understanding of their role during an airport emergency.

4.21.3 Water Rescue.

When addressing § 139.325(b)(9) for water rescue, if applicable, the certificate holder must identify any significant bodies of water or marsh lands adjacent to the airport under the approach/departure flight paths out to the "final approach fix" on runways with published approaches and out to 2 miles on runways with visual approaches. A river is a significant body of water if it is one-quarter-mile wide and cannot be traversed by conventional land rescue vehicles. This would include detention ponds on airport property. All such bodies of water must be documented in the AEP. A certificate holder who cannot obtain cooperation from other jurisdictions for water rescue operations "to the extent practicable" must provide documentation demonstrating a reasonable attempt was made to obtain the cooperation. This statement must be included in the AEP. AC 150/5210-13, *Airport Water Rescue Plans and Equipment*, provides water rescue plans.

4.21.4 Emergency Plan Exercise.

Class I AOC certificate holders must hold a full-scale airport emergency plan exercise at least triennially. The triennial must be conducted within the calendar month it is due. For example, if a triennial was held on August 4, 2015, the next triennial is due by August 31, 2018. Special circumstances might necessitate adjustments to this schedule. The certificate holder is responsible for notifying the Regional Airports Division of any need to vary the schedule. To be approved, this need must be supported by an acceptable justification (e.g., the triennial is due in August, but the county is planning a much larger exercise in October in which the airport will play an important part and gain the same benefit of the triennial exercise).

4.21.4.1 As funding and schedules allow, ACSIs should consider observing an airport's triennial exercise. This will facilitate a hands-on confirmation of how effectively the AEP is being executed, as well as the verification that responsible parties respond accordingly to their duties.

## 4.22 Section 139.327, Self-Inspection Program.

4.22.1 The self-inspection program is the strategic element of an airport operator's certification program and is required by regulation. The certificate holder is responsible for

establishing, implementing, and maintaining an appropriate self-inspection system and inspection schedule and describing its specifics in the approved ACM. The self-inspection program contains several key elements, which are addressed in § 139.327.

4.22.2 The ACSI is responsible for ascertaining whether the self-inspection program is effective in maintaining airport safety. The ACSI should observe an airport representative of the certificate holder conduct a self-inspection to determine if procedures are being followed and effective.

4.22.3 Indications of problems with the self-inspection program might include the following:

1. A pattern of reports/records with zero discrepancies.
2. Indications of falsification of reports/records or incomplete inspection records.
3. Number and significance of problems found and reported during the airport self-inspection. This might indicate maintenance problems or more serious equipment problems on the airport. The ACSI might have to conduct a more detailed review of airport staff qualifications to determine the underlying and more critical causes of the deficiencies cited on the records.
4. Number and type of discrepancies found during FAA certification inspection, as compared to discrepancies reported via the airport self-inspection program.
5. Reports received from ATCT, air carriers, or others about issues or problems at the airport.
6. Excessive time lapse between the date a discrepancy was identified during self-inspection and the date of correction and/or compliance. This might indicate an issue with the airport's internal reporting (work-order) system or it may be an indication of insufficient/qualified personnel.

## 4.23 Section 139.329, Pedestrians and Ground Vehicles.

4.23.1 The certificate holder is responsible for limiting access to movement areas and safety areas to only those pedestrians and ground vehicles necessary for airport operations. Certificate holders must also establish and implement procedures for the safe and orderly access to, and operation in, the movement and safety areas by pedestrians and ground vehicles. Section 139.329 contains a full list of requirements.

4.23.2 Section 139.329(f)(2) specifically addresses the requirement by the certificate holder to provide a description and date of any accident or incident involving an air carrier aircraft, pedestrian, or ground vehicle in movement areas and safety areas. Certificate holders are highly encouraged to critique each accident that takes place involving an air carrier in order to analyze their emergency response to the aircraft accident. The FAA recommends the airport complete this self-critique within 60 days after the accident and documents it with a written report.

4.23.3 The ACSI is responsible for the following areas:

4.23.3.1 Ascertaining the certificate holder has properly limited persons and vehicles having access to the movement areas. The airport should have a process in place for periodic review of vehicles and persons authorized to access movement and safety areas to determine continued need and authorization.

4.23.3.2 Observing that the only ground vehicles operating on the airport are those necessary for airport operations, including those directly in support of airport operations—such as rescue, maintenance, and inspection activities—and airfield maintenance, ARFF equipment, snow removal equipment, and mowers. Fuel trucks, which might be necessary for airport operations, would only be allowed in movement areas if there is no alternative way to transport fuel from one side of the airport to the other.

**Note:** For airports where fuel trucks access movement or safety areas, the ACSI may work with the airport certificate holder to identify measures that mitigate risk. This may include marking of vehicle paths on the terminal apron or construction of service or perimeter roads.

4.23.3.2.1 Other vehicles (including Federal vehicles such as those used by FAA Tech Ops) are allowed as necessary for specific activities on the airport and as allowable by the approved ACM. The ACSI should observe the operation of these vehicles for compliance with the procedures in the ACM.

4.23.3.2.2 Construction vehicles are authorized as allowed in the construction safety phasing plan using authorized access routes.

**Note:** Construction/maintenance activity is not authorized in safety areas during aircraft operations, as detailed in AC 150/5370-2, *Operational Safety on Airports during Construction.* This distinction, which differs from that in the ATC Order 7110.65, takes precedence.

4.23.3.3 Verifying procedures have been established for fuel vehicles to cross movement areas, including two-way communications with the ATCT or with an escort, if no alternative routes are available. The approved ACM should clearly address these procedures, including training for these procedures. As a best safety practice, all runway crossings should be conducted at runway ends, rather than at the middle of the runway.

4.23.3.4 Observing procedures at airports either without an ATCT or during the period when an ATCT is not operational. These might include notification over the Common Traffic Advisory Frequency (CTAF) of intent to enter a movement area or notification to a Flight Service Station on the airfield of position and intentions.

4.23.3.5 Examining and evaluating a driver training program for comprehensiveness and effectiveness. This might include a permit system and testing and should include a schedule for violations of the rules and regulations for pedestrians or ground vehicle operators established by the certificate holder.

4.23.3.5.1 Driver training programs should include at a minimum:

1. Review of rules and regulations, including consequences of non-compliance.
2. Vehicle operating requirements, including use of perimeter roads, parking on the airport, and accident reporting.
3. Airport familiarization.
4. Communication rules, including phraseology, frequencies, and procedures for contacting ATCT.
5. Runway safety and incursion prevention techniques.
6. Examining records of accidents or incidents, involving air carrier aircraft and/or ground vehicles or pedestrians.

4.23.4 Runway Safety Program.

4.23.4.1 Unauthorized entry by pedestrians or ground vehicles onto the movement area may constitute a runway incursion. Therefore, personnel and equipment in the RSA, when not authorized by the ATCT, are reported as incursions.

4.23.4.2 It is important for the ACSI to recognize not every incursion by a ground vehicle or pedestrian will be a violation of Part 139. When an alleged incursion occurs, a Letter of Investigation must be issued, and an investigation to gather facts must be initiated. The investigation may be concluded with the certificate holder's statement, or the information presented to the ACSI may warrant action on the part of the ACSI, such as interviewing the person involved in the alleged incursion, taking statements from witnesses, and visually examining the location where the incursion occurred.

4.23.4.3 The ACSI must also determine if:

1. The certificate holder failed in some demonstrable way to adopt measures or procedures to protect the movement area or enforce them,
2. The certificate holder has an effective training program, and if the airport has a sufficient remedial drivers training program/requirement for personnel involved in a V/PD, and

3. There is a circumstance normally beyond the certificate holder's control which needs to be addressed prior to concluding whether the incursion is a violation of Part 139 and warrants enforcement action.

4.24 **Section 139.331, Obstructions.**

4.24.1 The certificate holder is responsible for ensuring objects the FAA has determined to be obstructions are removed. If this is not possible, then each object within each area of the airport's authority must be marked and/or lighted unless an FAA aeronautical study finds this to be unnecessary. AC 70/7460- 1, *Obstruction Marking and Lighting*, contains guidance on proper marking and lighting of obstructions.

4.24.2 If obstructions have not been subjected to an airspace study, the certificate holder should request one. The results of the study will determine whether the obstructions must be marked and/or lighted, removed, or some other action taken that is acceptable to the Administrator.

4.24.3 The FAA recommends the certificate holder provide a diagram to the ACSI depicting the runway approach area for each runway end and identifying the objects penetrating the approach surface.

4.24.4 The ACSI should advise the certificate holder to obtain an airspace study for any obstruction that has not been subjected to a study of this type. If the study determines an obstruction is not a hazard to air navigation and if marking and/or lighting is not required, there is no violation of Part 139.

4.24.5 The ACSI is also responsible for confirming that all obstructions, as defined by Part 77, *Objects Affecting Navigable Airspace*, within the certificate holder's authority are marked and/or lighted if they have not or cannot be removed, unless an FAA aeronautical study has determined this is unnecessary.

4.24.5.1 If the certificate holder does not have procedures for identifying obstructions to the Part 77 surfaces, the ACSI should recommend procedures be established and implemented as soon as possible, as well as included in the approved ACM.

4.24.5.2 The certificate holder should have procedures for inspecting for outages of any obstruction light that can be seen from any portion of the airport and for reporting such outages to the owners of the lights. The ACSI should ensure the ACM includes a list of all identified obstructions that fall within the airport's authority and responsibility (to include those determined to be no-hazard by an aeronautical study), describes maintenance procedures and responsibilities for lighted obstructions, and specifies whom to contact in the case of an outage and how they are to be repaired.

4.24.5.3 During the night inspection, the ACSI will verify that all lighted obstructions within the authority of the certificate holder are operational. The ACSI should also check FAA lighted obstructions during the night inspection and request that the certificate holder notify local Tech Ops personnel if any are observed out of service.

## 4.25 Section 139.333, Protection of NAVAIDs.

4.25.1 The certificate holder is responsible for establishing procedures to prevent the construction of facilities on the airport that would interfere with the operation of electronic or visual NAVAIDs and the air traffic control facilities on the airport.

4.25.2 The certificate holder must establish and implement effective procedures to prevent interruption of visual and electronic NAVAIDs within the airport's authority. Such procedures are intended to prevent activities associated with construction and/or maintenance from shutting down, interrupting, or altering NAVAID signals. These procedures should also make personnel involved in maintenance or construction activities mindful of where they park vehicles and equipment, store material, or otherwise conduct activities near NAVAIDs.

4.25.3 The certificate holder must also implement effective measures to prevent vandalism and theft of NAVAIDs, as well as prevent interruption of visual and electronic signals of NAVAIDs.

4.25.4 The ACSI is responsible for the following areas:

1. Ensuring the certificate holder has established procedures to prevent any construction that would interfere or degrade NAVAID signals and to guard against vandalism and theft.
2. Where the owner is other than the certificate holder, ensuring the certificate holder assists in protecting all NAVAIDs on its airport against vandalism and theft.
3. Ensuring the certificate holder has established procedures for construction and maintenance personnel to prevent interruption of or interference to NAVAIDs.
4. Ascertaining that adjacent properties, if owned by the same entity that owns the airport, comply with requirements to prevent interruption of or interference to NAVAIDs.

## 4.26 Section 139.335, Public Protection.

4.26.1 The certificate holder is responsible for providing effective safeguards against inadvertent entry to the movement area by unauthorized persons or vehicles. The safeguards may consist of a combination of natural barriers, fencing, and warning signs that will suffice to deter persons and vehicles from inadvertently entering the movement area. The prevention of intentional entry falls under the purview of the Transportation

Security Administration. The certificate holder is also required to provide reasonable protection of the public against aircraft blast.

4.26.2 The ACSI is responsible for determining whether the certificate holder has established effective and proper safeguards to prevent inadvertent entry onto the movement area and has provided reasonable protection against aircraft blast to both the public and to airport personnel who conduct activities in the movement area. It is also important to readdress public protection when operations at the airport have changed, such as when aircraft or ramp areas are added or changed.

4.26.3 Fencing that meets the requirements of applicable FAA and TSA security regulations in areas subject to these regulations is acceptable for meeting the requirements of § 139.335(a)(l).

## 4.27 Section 139.337, Wildlife Hazard Management.

4.27.1 The certificate holder is responsible for taking immediate measures to alleviate wildlife hazards whenever they are detected, notifying the Regional Airports Division when a wildlife hazard exists on the airport, and conducting a Wildlife Hazard Assessment (WHA) if an event occurs, as defined in § 139.337(b) and identified, in terms of location, in AC 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports.*

**Note:** The FAA uses the WHA to determine if a Wildlife Hazard Management Plan (WHMP) is needed for the airport. The certificate holder will develop, update, and implement a WHMP as part of the approved ACM, when so indicated by the ACSI.

4.27.2 The ACSI is responsible for confirming a wildlife hazard exists on an airport based on evidence of the presence of wildlife, even when a multiple bird strike, engine ingestion, or damaging collision has not occurred. Section 139.337(a) authorizes the ACSI to require the WHA.

4.27.2.1 When ACSIs determine that events as described in § 139.337(b)(1) through (4) has occurred, either through their own research/observations or notification by a certificate holder, they should review the airport's approved ACM to determine if a WHA has ever been conducted at the airport and if the results of that study led to the development and implementation of an FAA-approved WHMP. This WHMP becomes part of the ACM.

4.27.2.2 If a WHA has never been conducted, the ACSI will instruct the certificate holder to undertake the required WHA.

4.27.2.3 If a WHA was conducted within the last 12 months, but development and implementation of a WHMP was not required, the Regional Coordinator will review the WHA and the decision not to require a WHMP. In most

cases, the certificate holder should be instructed to develop, and submit for FAA approval, a WHMP based on the results of the WHA.

4.27.2.4 If the WHA is more than 12 months old and no WHMP was developed, the ACSI may instruct the certificate holder to begin a new WHA, if warranted. The results of this study, together with other pertinent factors, will be used to determine if a WHMP is needed.

4.27.2.5 Factors that may lead to NOT recommending a WHA include:

1. If an FAA-approved WHMP is in place, the ACSI should review the plan to ensure it meets all requirements of § 139.337(f). If the WHMP does meet all the requirements of § 139.337(f), the ACSI will instruct the certificate holder to review the plan and determine if it needs revision. The certificate holder may use the assistance of a qualified airport wildlife biologist. Following the review, the certificate holder must notify the FAA of the results of its review and any proposed corrective actions or changes to the WHMP. When approved, amendments must be incorporated into the ACM.
2. If an FAA-approved WHMP is in place but does not meet all the requirements of § 139.337(f), the ACSI instructs the certificate holder to bring the WHMP into compliance with § 139.337(f). In some cases, it may be necessary for the certificate holder to undertake a new WHA.

**Note:** Certificate holders that operate under an approved WHMP may have several events, as described in § 139.337(b)(1) through (4) within a short period of time. Review of the WHMP is not required every time an event occurs. The ACSI and certificate holder should agree upon a review schedule, once a month for example, where the certificate holder will review the WHMP based on recorded strikes and wildlife observed to determine if revisions to the document are necessary to mitigate new issues. The certificate holder will keep detailed records of the events and the WHMP review. If the WHMP does require revision, the revision must be approved by the ACSI and incorporated into the ACM.

4.27.2.6 When the FAA determines that a WHA is needed for a particular airport, the ACSI should:

1. Contact the appropriate airport official to inform him/her of the need for the WHA.
2. Inform the certificate holder that it must take immediate action to mitigate the hazard and then follow local procurement requirements for contracting with a qualified wildlife biologist to conduct the WHA. The certificate holder may request U.S. Department of Agriculture (USDA) Wildlife Services or a private, qualified party to conduct the required WHA. The certificate holder is responsible for consultant

selection and initial contact. The FAA uses the WHA to determine if a WHMP is needed for the airport and, therefore, must be conducted by persons having the education, training, and experience necessary, as referenced in AC 150/5200-36, *Qualifications for Wildlife Biologist Conducting Wildlife Hazard Assessments and Training Curriculums for Airport Personnel Involved in Controlling Wildlife Hazards on Airports*, to assess wildlife hazards adequately.

3. Review the airport's ACM to determine if any procedures are already in place to meet § 139.337 requirements and the current degree of compliance. Failure of the certificate holder to comply fully with all Part 139 requirements may constitute a violation that could be subject to enforcement action.

4. Follow up to ensure the certificate holder has completed any recommended actions within the WHA and submitted the results.

5. Review the WHA and recommendations to determine if an airport WHMP is needed. Upon completion of the review process, convey the determination to the certificate holder.

    a. A WHA must include the items listed in § 139.337(c)(1) through (5).

    b. The ACSI should use AC 150/5200-38, *Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans,* as a guide for reviewing a WHA. The AC discusses the minimum requirements for conducting and preparing the report for a WHA. The ACSI must determine if the WHA meets these requirements.

    c. The ACSI should request additional information or relay comments to the certificate holder if the WHA is not adequate. ACSIs should contact the AAS-300 Wildlife Biologists if they have any questions.

6. When an airport is required to have a WHMP, considers, as part of the initial or periodic inspection, the following when evaluating the plan and its implementation:

    a. It contains all of the required information in § 139.337(f)(1) through (7).

    b. Its effectiveness in dealing with the wildlife hazards detailed in the WHA or any new wildlife hazards that present themselves during subsequent reviews.

    c. Personnel with responsibilities in the WHMP are adequately trained at least every 12 consecutive months and training records are current to reflect this training.

d. Procedures outlined in the WHMP, such as inspections prior to air carrier operations, are carried out.

e. Status of habitat modification projects or changes in land use is identified in the plan, including prioritized projects and target completion dates.

f. Existence of current depredation permits, if applicable.

g. ACSIs will also review remarks on wildlife hazards in the Airport Facility Directory, NOTAM system, or the Automatic Terminal Information Service (ATIS).

4.27.3 Additional Responsibilities When Developing Wildlife Hazard Management Plans.

4.27.3.1 Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1536), states, in part, that each Federal agency will, in consultation with and with the assistance of the Secretary of Interior, ensure any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any Federally listed or proposed endangered or threatened species or result in the destruction or adverse modification of designated or proposed critical habitat.

4.27.3.2 FAA's action in requiring a certificate holder to develop, submit for approval, and implement a WHMP is considered a Federal action, as defined in the Endangered Species Act, and, therefore, is subject to Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS).

4.27.3.3 Under § 139.337(e), the FAA may direct an airport operator to develop a WHMP or to update an existing plan. In these instances, it is the FAA's responsibility as the action agency to determine whether there are Federally protected species or habitat on or near the airport. To make this determination, the FAA may rely on professional judgment of the AAS-300 Wildlife Biologists, FAA Environmental Protection Specialists, or the qualified airport wildlife biologist. In some instances, the local USFWS Ecological Services Field Office should be contacted about the presence of federally listed or proposed species or designated or proposed critical habitat occurring on or near the airport.

4.27.3.4 If there are no federally listed or proposed species or designated or proposed critical habitat occurring on or near the airport, no further action is required for the Section 7 consultation.

4.27.3.5 If federally listed or proposed species or designated or proposed critical habitat occurs on or near the airport, the FAA Regional Coordinator should coordinate the following actions:

4.27.3.5.1 The airport operator should be made aware of the federally listed or proposed species or designated or proposed critical habitat so this information can be considered during the development of the WHMP.

4.27.3.5.2 The ACSI is responsible for ensuring the certificate holder has complied with the Wildlife Hazard Management Plan and should seek assistance, when necessary, from the AAS-300 Wildlife Biologists. This includes references for USDA Wildlife Services and USFWS.

4.27.3.5.3 ACSIs must verify airports are fully implementing and evaluating their WHMPs and document the basis for compliance determinations with each inspection checklist item and the records reviewed for verification, as well as documenting the airport's non-compliance with regulations, policies, guidance, and the actions the airport took to correct the non-compliance.

4.27.3.5.4 Biological Assessment.

The airport operator may need to prepare a Biological Assessment (50 CFR § 402.12) assessing the effects of the WHMP on the federally listed or proposed species or designated or proposed critical habitat. The Biological Assessment is submitted to the FAA along with the draft WHMP. Consultation with the USFWS may be necessary if some of the actions proposed under the WHMP may affect federally listed species or proposed species or designated or proposed critical habitat.

4.27.4 Airport Certification/Safety Inspection Checklist Procedures for Wildlife Control Permits.

4.27.4.1 The ACSI must verify the airport has obtained permits, and that they are current, to effectively implement its WHMP using the Airport Certification/Safety Inspection Checklist (FAA Form 5280-4)

4.27.4.2 Local, state, and Federal depredation permits are not always applicable to an airport's needs and are not mandatory. However, state and/or Federal permits are required for lethal removal and capture/relocation of wildlife, as well as for any type of harassment of most wildlife species. The airport operator is responsible for determining what permits are required prior to implementing any harassment or removal mitigation methods. The FAA recommends airports maintain appropriate depredation permits when applicable.

4.27.5 Waste Disposal Facility Coordination.

4.27.5.1 ACs 150/5200-33 and 150/5200-34 contain guidance on siting various types of landfills and procedures for coordinating and documenting FAA determinations on developing new or expanding existing waste disposal sites within 5 miles of a public-use airport. In most cases, the ADO is the

lead for all waste disposal facility coordination. The Airport Certification Staff at the Regional Airports Division will provide guidance specific to Part 139 compliance.

**Note:** Title 49 of the U.S. Code, § 44718(d), "Limitation on construction of landfills," states:

> (1) In general.--No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of this subsection) that receives putrescible waste (as defined in section 257.3-8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.
>
> (2) Limitation on applicability.--Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of the enactment of this subsection.

4.27.5.2 A landfill proponent will notify the FAA under 40 CFR § 258.10 of a proposal to establish a new or expand an existing landfill.

4.27.5.3 The ACSI will:

1. Evaluate the proposal and determine whether it is compatible with the provisions of ACs 150/5200-33 and 150/5200-34 and safe airport operations;
2. Based on that determination, complete a copy of the Waste Disposal Facility Coordination Form , including any recommended permitting conditions;
3. Forward the completed form, together with any supporting material to the AAS-300 Wildlife Biologists and the Airports Engineering Division (AAS-100) for evaluation and coordination.
4. If the potentially affected airport is a joint-use facility, forward a courtesy copy of the completed form, together with any supporting material, to the FAA Regional military liaison.
5. Include all applicable recommended permitting conditions (Section 4 of the Waste Disposal Facility Coordination Form) in the Letter of

Determination sent to the proponent or the State agency. The completed form will be made a part of the Region's permanent file.

4.27.5.4 Any disagreement between the recommendations of the Regional Coordinator (or ACSI) and the AAS-300 Wildlife Biologists will be resolved through a consultation between the Region and Headquarters. When agreement is reached, an AAS-300 Wildlife Biologist will sign the Coordination Form and return a copy to the Regional Coordinator.

## 4.28 Section 139.339, Airport Condition Reporting.

4.28.1 The certificate holder is responsible for providing, in a manner authorized by the Administrator and as stated in the approved ACM, information about airport conditions and for collecting and disseminating this information to air carriers. To comply with this requirement, the certificate holder must use the NOTAM system, as appropriate, and other systems and authorized procedures. There are nine airport conditions identified in § 139.339(c) that must be reported, as well as any other condition specified in the approved ACM or that might otherwise affect the safe operations of air carriers. AC 150/5200-28 and JO 7930.2 provide further guidance.

4.28.2 The certificate holder must prepare and keep for at least 12 consecutive calendar months, a record of every disseminated airport condition report prescribed by this section. Storage of records electronically is allowable; however, they must be readily available to the ACSI for review.

4.28.3 The ACSI is responsible for determining airport condition reporting is timely and accurate. While a check of current NOTAMs in the system is part of the inspection preparation, the ACSI must also check NOTAM logs at the airport.

4.28.4 The ACSI should also be aware of conditions that may fall under the "any other condition that may otherwise adversely affect the safe operation of air carriers" and address each such item directly with the airport operator to conclude, as appropriate, a course of action, including the need to report these conditions.

4.28.5 ACSIs should consider comparing the NOTAM logs against the daily self-inspection reports. This technique will help determine whether NOTAMs were issued appropriately and timely in the NOTAM system for identified discrepancies that required a NOTAM .

## 4.29 Section 139.341, Identifying, Marking, and Reporting Construction and Other Unserviceable Areas.

4.29.1 The certificate holder is required to mark, and, if appropriate, light construction areas, equipment, or certain areas adjacent to a NAVAID as set forth in § 139.341(a)(1)(i) through (iii). The certificate holder is responsible for establishing procedures, such as

the review of plans, to protect utilities, cables, wires, pipelines, and other underground facilities prior to construction activities. The airport certificate holder should brief contractors and, when a complex project is involved, develop and implement a safety plan.

4.29.2 A construction safety phasing plan (CSPP) is required for projects funded under the AIP or PFC program. AC 150/5370-2, *Operational Safety on Airports during Construction*, provides guidance for construction activities. See Order 5200.11, *FAA Airports SMS*, for more information about the possible need for additional safety risk analysis.

**Note:** The FAA recommends, but does not require, a CSPP non-AIP funded projects on the airport.

4.29.3 Marking and, if required, lighting, acceptable to the Administrator must be applied to:

1. Each construction area and unserviceable area on or adjacent to any movement area or any other area of the airport on which air carrier aircraft operate;
2. Each item of construction equipment and each construction roadway that might affect the safe movement of aircraft on the airport; and
3. Any area adjacent to a NAVAID when, if traversed, could cause derogation of the signal or failure of the NAVAID.

4.29.4 The ACSI is responsible for ascertaining, when necessary, a safety plan has been developed and implemented and, when any construction is planned on the airport, whether the certificate holder has taken the proper measures to comply with the approved CSPP. For non-Federal grant projects, these procedures must include coordination with all applicable parties and the filing of Form 7460-1, *Notice of Proposed Construction*, when required by Part 77.

4.29.5 The ACSI also must ensure temporary marking and lighting of areas servicing air carrier aircraft meet standards required by § 139.311. ACSIs will ensure that adequate notice is given to users, ARFF, ATO, and others about conditions that may adversely affect safety. This is particularly relevant during changes in construction phases at an airport.

4.29.6 The ACSI must ensure that vehicle and pedestrian controls in the CSPP are being implemented and that the airport is adequately monitoring construction activities and areas, as well as addressing safety deficiencies immediately.

4.29.7 The ACSI should ensure that entrances to the AOA, construction areas, and haul routes are properly marked, signed, and protected from inadvertent entry.

## 4.30 Section 139.343, Non-compliance Conditions.

4.30.1 The certificate holder is responsible for limiting air carrier activities to areas that are safe. Whenever the requirements of Subpart D of Part 139 cannot be met for any areas

on the airport, these areas are considered unsafe for air carrier use unless the ACSI determines otherwise.

4.30.2 The ACSI is responsible for determining that the airport certificate holder complies with this section and has accurately identified those areas deemed unsafe for air carrier use. The approved ACM should discuss these areas.

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# CHAPTER 5. COMPLIANCE AND ENFORCEMENT POLICY

## 5.1 Purpose.

This Chapter establishes policy on actions required when an airport is found in non-compliance with Part 139 requirements.

## 5.2 General Policies.

### 5.2.1 FAA Compliance Philosophy (FAA Order 8000.373).

This is the overarching philosophy for compliance in the FAA. It calls for the FAA to bring certificate holders into compliance as quickly as possible, in the most effective manner as possible. It calls for the most effective action, whether a compliance, administrative, or enforcement action.

### 5.2.2 FAA Compliance and Enforcement Program (FAA Order 2150.3).

As of version B, this order provides the details of the compliance and enforcement program for the agency.

### 5.2.3 General.

The aviation and aerospace communities have an obligation to comply with statutory and regulatory requirements. This obligation includes a duty to develop and use processes and procedures that will prevent deviation from regulatory standards.

5.2.3.1 The FAA believes that its compliance philosophy, supported by an established safety culture, is instrumental in ensuring both compliance with statutory and regulatory requirements and the identification of hazards and management of risk.

5.2.3.2 To reach the next level of safety in this increasingly busy, complex, and global air transportation environment, the FAA is transitioning to a proactive safety management approach. This emphasizes the accountability of all stakeholders.

5.2.3.3 The FAA will encourage airports to build internal measures to identify non-compliance and ensure corrective actions.

5.2.3.4 Where airports reflect positive motivation, the FAA will actively engage with the airports to encourage continued compliance and safety.

5.2.3.5 The FAA will focus resources on areas of higher risk and insist on accountability for risk-taking behaviors and zero tolerance for intentional or reckless conduct in violation of the regulations, or conduct that otherwise meets the criteria for legal enforcement action under FAA Order 2150.3B, Chapter 5.

5.2.4 Application.

When a violation occurs, it is essential the ACSI take action to bring the airport into compliance as quickly as possible. The ACSI must take this action consistent with the current version of Order 2150.3, *Compliance and Enforcement Program.* With the FAA's Compliance Philosophy, the actions available to ACSIs are compliance, administrative, and legal enforcement.

## 5.3 Investigating Alleged Violations.

5.3.1 Upon receiving information indicating a possible violation, the ACSI should begin by evaluating as much factual data as is readily available to determine whether there appears to be any basis for conducting an investigation. It is the responsibility of the ACSI to investigate all alleged violations of Part 139, whether they are discovered during an inspection or reported by another source. When determining whether a violation might exist, the ACSI must address the following questions:

1. What section of the pertinent regulation is involved in this allegation?
2. What evidence is needed? What records are needed and at what stage of the investigation are such records checked? Which records are needed to establish the violation?
3. Where is the evidence and how will the required evidence be obtained?
4. Who needs to be interviewed and what written statements need to be obtained?
5. Will there be a need to use 49 U.S.C. 46104 authority to subpoena witnesses and records, administer oaths, or examine witnesses?
6. Is there a need for immediate legal enforcement action, such as emergency suspension of the AOC, because delay for routine handling might jeopardize public safety?
7. Is the ACSI continually reevaluating his/her activities to assure that the investigation will establish ***who, what, where, when, why, and how?*** It is imperative that the ACSI carefully consider the circumstances of the allegation and the nature of the violation and develop an appropriate investigative plan. (See Order 2150.3, Chapter 4, for guidance in planning and conducting investigations.)

5.3.2 Enforcement Investigative Report (EIR) Number.

For administrative and legal enforcement actions, the ACSI will assign an EIR number for future reference to all matters relating to the case. The ACSI must also ensure coordination with other FAA offices that might have an enforcement interest in the case or might contribute to the evidence gathered during the investigation. Information about the issuance of an EIR number can be found in Order 2150.3, Chapter 8.

5.3.3 Letter of Investigation.

If evidence indicates a violation might exist, the ACSI must prepare a Letter of Investigation notifying the alleged violator that an FAA investigation is being conducted. The letter must also offer the violator an opportunity to present any pertinent information on the matter. A record of such notification must be included in the airport's certification file.

5.3.4 Headquarters Coordination.

5.3.4.1 Part 139 investigations and enforcement at large hub airports present unique challenges due to their size, complexity, and local or national significance. Therefore, additional coordination through AAS-1, with the Associate Administrator for Airports (ARP-1) and the Deputy Associate Administrator (ARP-2) is required, as many issues must be briefed to the FAA's Office of Communication, the Administrator, and in some cases, the Secretary of Transportation. For example—

- Notices of Proposed Penalties or civil penalty letters above $50,000 cause an automatic press release and must be coordinated with ARP-1/2,
- Notices of Proposed Penalties or civil penalty letters above $150,000 require coordination with the Administrator's office, **but**
- Vehicle Pedestrian Deviation (V/PD) Letters of Investigation **do not** require approval from Headquarters before issuing due to the need to quickly investigate and gather evidence. Regions must, however, inform AAS-300 of any large hub Letters of Investigation to be issued.

5.3.4.2 **Coordination Process.**

Below is a summary of the coordination process:

1. Regions will coordinate the investigation of violations at large hub airports with AAS-300 and AAS-1 and inform ARP-1/2. Before issuing a Letter of Investigation at a large hub airport, Regions will advise AAS-300.
2. Regional Staff and AAS-1 will brief ARP-1/2 on the results of the investigations.
3. ARP-1/2 will participate in discussions of penalties and approve all proposed civil penalties.

**Note:** Compliance Letters or Warning Letters at large hub airports for discrepancies that meet the administrative requirements of FAA Order 2150.3 do not require coordination with AAS or ARP-1/2.

4. In preparing the Letter of Investigation, the following guidelines must be observed:

a. The letter must describe facts and circumstances that necessitate the investigation in sufficient detail to identify the alleged violation. However, the letter is not intended to be a statement of charges. Specific sections of the regulation should not be cited unless specific regulatory references are needed to identify the incident accurately. If facts and circumstances are adequately presented, the Letter of Investigation need only state that those facts and circumstances, if correct, indicate there might have been a violation of Part 139.

b. The letter must specify an appropriate time limit for reply, normally not to exceed 10 days. Any reply received after such a deadline will be forwarded and considered, as appropriate, with the case review.

c. The letter may also request that specific documents be retained or made available.

5. **Use of Certified Mail.** Regions must send the Letter of Investigation by regular mail and either certified mail, signature return-receipt requested or registered mail to establish a record of notice to the certificate holder under investigation.

6. **Distribution of the Letter of Investigation.**

a. The original letter is sent to the alleged violator.

b. A copy is sent to AAS-300 (only for large hub Letters of Investigation).

5.3.5 Circumstances Not to Send a Letter of Investigation.

Filing a Letter of Investigation is a best practice. It protects the agency and the certificate holder under due process. However, there are scenarios when a Region may choose not to issue a Letter of Investigation.

5.3.5.1 **Compliance Actions.**

A Letter of Investigation is not needed when the ACSI has done a reasonable on-the-spot investigation that results in an immediate correction or an agreement by the airport to correct within a reasonable time the discrepancy. In other words, a Letter of Investigation is not required for most compliance actions that would normally result in a Compliance Letter (see Paragraph 5.5.2).

5.3.5.2 **Sensitive Investigations.**

5.3.5.2.1 There may be times when a Region determines that issuing a Letter of Investigation would not contribute to the efficient completion of the investigation. These circumstances may include:

1. **Politically sensitive situations** where the accusation will cause issues regardless of the outcome. For example, a large hub airport receives an accusation for lack of ARFF training. At the same time, that airport is under a very public inspector general investigation with major media coverage. In this case, the Region may choose not to investigate to determine whether a violation occurred. If there is political sensitivity involved, AAS-300 should be consulted in the decision on whether to issue the Letter of Investigation.
2. **Urgent investigations** where speed and confidentiality are required. If a Region determines that a Letter of Investigation may result in airport personnel altering or destroying information or evidence, then the Region should investigate as soon as possible.
3. **Accident investigations.** Any potential Letters of Investigation issued in a matter that the NTSB is also investigating must be coordinated with AAS-300 and the NTSB. While the NTSB has primary authority to request records and evidence in an accident investigation, the Office of Airports maintains the authority to independently investigate potential Part 139 violations.

5.3.5.2.2 In all cases, if the Region conducts an investigation without initially issuing a Letter of Investigation and then finds evidence of Part 139 violations, the Region must then issue a Letter of Investigation. This preserves the airport operator's due process rights to respond to accusations. If, however, the Region finds no evidence of Part 139 violations, the region should write an Investigation Closeout Letter.

5.3.6 Regional Office Review.

The Regional Airports Division management will review all actions taken by the ACSIs, including written correspondence.

5.3.7 Closing the Investigation.

5.3.7.1 All investigations end with one of three actions:

- No violation,
- Administrative action, or
- Legal enforcement.

5.3.7.2 If the ACSI determines that no violation occurred, he/she must notify the airport operator with an Investigation Closeout Letter stating the matter has been closed. Copies must also be sent to all recipients of the Letter of Investigation.

## 5.4 Compliance Action for Non-Regulatory Issues.

ACSIs may use compliance action to encourage regulated persons to adopt best practices of a **non-regulatory** nature by making recommendations and suggestions with regard to other safety concerns, which have been identified. Such recommendations may be made independent of, or in conjunction with, compliance, administrative, or legal enforcement action taken for regulatory non-compliance that also exists. Because these suggestions to improve operations are non-regulatory in nature, they may be made notwithstanding the regulated person's compliance with all applicable regulatory requirements. However, when recommendations are made in conjunction with any compliance, administrative, or legal enforcement actions taken for regulatory non-compliance, the recommendations and suggestions must be clearly identified as non-regulatory in nature and set apart from both the statement of facts and circumstances constituting the statutory or regulatory non-compliance and the agreed-upon corrective action.

### 5.4.1 Recommendations.

ACSIs may use recommendations to suggest to the airport improvements or best practices not required by regulation. The ACSI may draft a document containing recommendations and suggestions. Airports do not have to implement recommendations. Examples of recommendation include—

1. Best practices for airport operations, such as daily inspections, snow and ice removal, and foreign object debris detection.
2. Areas that may be in compliance with the regulation at the time of the inspection, but may become a discrepancy if the airport fails to monitor and correct. This can include markings that may be marginal, but acceptable, at the time of inspection, but are likely to be out of compliance by the next periodic inspection.

## 5.5 Administrative Action.

### 5.5.1 Administrative.

Administrative action includes Compliance Letters (previously known as Letters of Correction or LOCs) and Warning Letters. The border between compliance and administrative actions within ARP is not as distinct in other Lines of Businesses. Compliance Letters and Warning Letters are designed to identify regulatory discrepancies that do not require legal enforcement and provide a reasonable date for the airport to correct those deficiencies.

### 5.5.2 Compliance Letter.

The Compliance Letter documents all regulatory discrepancies found during the inspection and should be used when there is agreement with the certificate holder that corrective action, acceptable to the FAA, ***will be taken within a reasonable and specified date in time.***

5.5.2.1 The Compliance Letter usually confirms a discussion with the certificate holder in which a violation is acknowledged and appropriate corrective action initiated. It might also describe non-regulatory discrepancies and areas needed for improvement.

5.5.2.2 The Compliance Letter must not be used only to forward suggestions and recommendations for improvement. ACSIs use the Compliance Letter primarily to bring regulatory non-compliance issues to the attention of a violator and document action that has or will be taken to correct conditions that are in violation of statutory or regulatory requirements.

5.5.2.3 If the certificate holder has not completed corrective action when the ACSI issues a Compliance Letter, the ACSI must ensure the airport completes the action in a timely manner and determine whether legal enforcement is required. Any continuation of the non-compliance condition/practice or failure of the certificate holder to fulfill its commitment following receipt of the letter may result in legal enforcement action.

5.5.2.4 The Compliance Letter will specify a date for completing actions related to the violation. An airport operator who does not complete the items in the Compliance Letter by the agreed-upon date must document to the ACSI why it failed to come into compliance by the date. ACSIs must then decide whether to grant an extension to the compliance date or escalate the corrective action. If an airport is unwilling or unable to correct the action, the ACSI and Region must consider additional methods to bring the airport into compliance and begin legal enforcement. While the FAA's Compliance Philosophy does call for working with airports, the philosophy also requires that certificate holders be willing and able to correct discrepancies. If they are not, ACSIs should open a new EIR and initiate legal enforcement action against the apparent violator for both the past and any current violations.

5.5.3 Warning Letter.

The Warning Letter, while also an administrative action, is considered more serious than a Compliance Letter. Unlike a Compliance Letter, which documents the agreement between the airport and the ACSI on how to correct the non-compliance, the Warning Letter:

1. States the facts and circumstances of the incident/discrepancy involved;
2. Advises that on the basis of available information, such operations or practices are contrary to the regulations;
3. States the matter has been corrected and does not warrant legal enforcement action; and

4. Advises the airport that the FAA expects future compliance with the regulation and officially documents the incident/discrepancy.

## 5.6 Letter Acknowledging Completion of Corrective Action.

The ACSI must issue a Letter Acknowledging Completion of Corrective Action when violations found during an inspection have been corrected after an inspection. (See Appendix N, Investigation Closeout Letter) This letter should be sent once all violations have been corrected.

## 5.7 Enforcement Action—General.

Compliance with Part 139 is promoted through compliance, administrative, and legal enforcement action. Administrative actions (*e.g.*, Warning Letters or Compliance Letters) are used to check potentially unsafe practices in situations where legal enforcement is unnecessary or inappropriate. However, under the Compliance Philosophy and the FAA Compliance and Enforcement Program, legal enforcement remains a tool to bring certificate holders into compliance.

### 5.7.1 When to Use Legal Enforcement.

The decision to use legal enforcement will always be dependent on the circumstances of the infraction and the culpability of the airport operator. Before deciding to implement legal enforcement, regional management should consult with AAS-300 and AAS-1/2. The types of conduct and actions listed below could trigger legal enforcement consideration and they could be singular or multiple actions. This list is not all inclusive.

#### 5.7.1.1 Intentional Conduct.

Intentional conduct is an act (or failure to act) while knowing that such conduct is contrary to a statutory or regulatory requirement. This can be hard to prove but can generally be determined if through statements or records the individual demonstrated knowledge of the standards but chose to take a different action.

#### 5.7.1.2 Falsification, Reproduction, or Alteration of Applications, Certificates, Reports, or Records.

5.7.1.2.1 14 CFR § 139.115(a)(1) proscribes any fraudulent or intentionally false or fraudulent statement on any application for a certificate or approval under Part 139. An intentional false statement is a false statement of a material fact made with the knowledge of falsity. A fraudulent statement includes two additional elements: intent to deceive and reliance on the false statement.

5.7.1.2.2 14 CFR §§ 139.115(a)(2)-(4) proscribe any fraudulent or intentionally false entry in any record or report that is required to be made, kept, or used

to show compliance with any requirement under Part 139; any reproduction, for a fraudulent purpose, of any certificate or approval issued under Part 139; and any alteration, for a fraudulent purpose, of any certificate or approval issued under Part 139. For example, it would be falsification of records to send notice to the FAA that an airport has corrected regulatory noncompliances in a Letter of Compliance when it had not actually done so. This is different from Failure to Complete a Corrective Action discussed below.

5.7.1.3 **Reckless Conduct.**

5.7.1.3.1 An act (or failure to act) evidencing a deliberate indifference to or a conscious disregard of:

- a safety standard embodied in an applicable statute or regulation or
- the reasonably foreseeable consequences of the act (or failure to act).

5.7.1.3.2 An example of reckless conduct is the failure to specifically follow an approved Snow and Ice Control Plan, such as failing to target taxiways per plan or not sending out a shift to clear in a storm but leaving runways open, when the failure resulted from a deliberate indifference or conscious disregard of such requirements.

5.7.1.4 **Failure to Complete a Corrective Action.**

This entails failing to complete an agreed-upon action but not doing so, such as failing to correct runway pavement violations despite having agreed to do so in a Compliance Letter. This criterion does not rise to the level of fraud or intentional falsification if the regulated entity does not communicate to the FAA that corrective action was actually completed when it knew it had not been completed.

5.7.1.5 **Conduct Creating or Threatening to Create an Unacceptable Risk to Safety.**

5.7.1.5.1 Conduct that creates or threatens to create a High Level in the likelihood and/or severity of significant risk to safety, when the Director of the program office determines that alternative means to address the non-compliance and to effectuate immediate and future compliance would not be sufficient.

5.7.1.5.2 This type of conduct might apply if the Region has tried everything it can think of to work with the airport, but the airport fails to make any effort to resolve violations.

5.7.1.6 **Repeated Non-Compliance.**

FAA personnel have discretion to respond to repeated non-compliance using compliance action, administrative action, or referring the matter to the Office of the Chief Counsel for legal enforcement action. There is some discretion here, but generally, legal enforcement should lead to some form of civil penalty. This is not the same as Failure to Complete a Corrective Action. ACSIs should be aware that simply finding violations under the same section of Part 139 does not, by itself, mean that a repeat violation has occurred. For example, it is not a repeat violation if you find markings not to standard on one part of a runway or taxiway in one inspection and then find faded markings to standard at another runway/taxiway during a subsequent inspection if the violations did not arise from a common root cause.

5.7.2 Enforcement Tools.

Statutory methods for enforcing the requirements of Title 49 include—

1. Civil penalties (§ 46301);
2. Amendment, modification, suspension, and revocation of certificates (§ 44709); and
3. Investigations and other acts deemed necessary to carry out the provisions of the code (§§ 40113, 46104, and 47122) and Part 139.

5.7.3 Legal Enforcement Action.

5.7.3.1 Formal legal action serves to —

1. Prevent future actions that would violate the regulation (e.g., cease and desist orders or injunctions).
2. Impose enforcement actions for remedial purposes (e.g., remedial training, immediate corrective actions, or revocation for lack of qualification or competency).
3. Impose punitive sanctions, after the act, to deter violations (e.g., certificate actions or civil penalties).

5.7.3.2 The FAA must initiate appropriate legal enforcement action when appropriate in accordance with FAA Order 2150.3B, Chapter 5. In determining the appropriate type and measure of sanction to be applied, the FAA must take the following factors into account, as applicable:

1. The nature of the violation and whether it was deliberate or inadvertent;
2. The potential or actual hazard to the safety of others created by the violation;
3. The certificate holder's level of experience and responsibility;

4. The violator's history of previous violations;
5. The violator's attitude toward the violation, including whether the violator voluntarily disclosed the violation and actions taken to correct it; and
6. The impact of a proposed sanction on the violator and its value as a deterrent to others similarly situated.

5.7.4 Types of Legal Enforcement Action.

The two types of legal enforcement action are —

5.7.4.1 **Civil Penalty Action.**

After determining that a civil penalty is the appropriate type of enforcement action, the ACSI prepares the Enforcement Investigative Report (EIR) according to Order 2150.3, Chapter 8, and coordinates with the Assistant Chief Counsel for Enforcement, who will process the case.

5.7.4.2 **Certificate Action.**

Order 2150.3, Chapter 2, defines the types of certificate action that can be considered. These actions are explained below.

5.7.4.2.1 Certificate suspension can be considered when—

1. Operational safety requires it, and all other means for timely correction of an unsafe condition, or ensuring safe aircraft operations, cannot be achieved;
2. Technical proficiency or qualifications of the certificate holder to perform the duties required by Part 139 is inadequate;
3. The certificate holder resists or is unwilling to take action to correct or mitigate a non-complying condition that directly affects the safe operation of air carrier aircraft, or
4. The certificate holder willfully fails to perform the corrective action agreed upon, and punitive action is the last alternative available to the ACSI to preclude unsafe operations on the airport’s movement areas.

5.7.4.2.2 Certificate revocation can be considered when—

1. The certificate holder is incapable of corrective action and has demonstrated this by repeated offenses and unwillingness or inability to comply with vital safety provisions of Part 139 and continued possession of the certificate would be detrimental to the public interest.
2. The certificate holder has demonstrated a lack of qualifications, such as deliberate and flagrant acts of noncompliance, or has falsified records.

5.7.4.2.3 A certificate action can have significant impact on air commerce and generate a political tumult. However, the public interest and safety of air carrier operation on the movement areas must be the principal factors governing any proposed certificate action if all other means of resolving safety violations have failed to restore compliance.

5.7.4.2.4 The ACSI must closely coordinate any proposed suspension or revocation action with AAS-300, ARP-1/2, and other FAA offices that might be impacted by the proposed action. The ACSI must also obtain authorization from the Regional Airports Division Manager before taking the action.

5.7.4.2.5 In some cases, it might be appropriate to suspend the certificate for a reasonable time pending the correction of any violations. An airport operator should not be permitted to hold indefinitely an AOC in order to have additional opportunities to correct the violation when there is a reasonable basis to question whether the holder is qualified to hold the certificate. Generally, if the certificate holder has twice submitted to a re-inspection and twice failed, the AOC should be revoked.

5.7.4.2.6 An airport operator whose AOC has been revoked and who wishes to have a new AOC must apply for a certificate in accordance with § 139.103.

5.7.4.3 **Emergency Suspension or Revocation of Certificate.**

Take emergency action ***only*** when it is clearly needed in the public interest and as soon as the need for such action is recognized. Emergency action is remedial and is not used for punitive reasons. Evidence justifying such action must show a lack of qualification to retain the certificate. Situations that might warrant emergency action include the following:

1. The certificate holder deliberately disregards its responsibility and allows an unsafe condition that jeopardizes the safe movement of air carrier aircraft on the airport.
2. The certificate holder loses all ARFF response capability due to a labor strike.
3. The certificate holder continues to operate the airport with a lower ARFF index than is required after being informed by the FAA that such operations would be in violation of Part 139.
4. The certificate holder continues to provide unsafe air carrier airport facilities after being informed of such condition and fails to take corrective action and issue a NOTAM.
5. The certificate holder returns an unsafe facility to use by air carriers after being informed that the condition is detrimental to air carrier operations.
6. The certificate holder refuses to provide records to the FAA.

5.7.4.4 **Termination of an AOC Suspension.**

If the airport operator satisfactorily corrects the violation(s) for which the emergency suspension pending compliance was issued, the Regional Airports Division Manager will issue a letter advising of that finding and provide a copy to the Assistant Chief Counsel for Enforcement. The Assistant Chief Counsel will than take appropriate steps to terminate the suspension order in accordance with Order 2150.3.

5.7.4.5 **Selection of Legal Enforcement Action.**

The specific legal enforcement action instrument to be used (certificate or civil penalty action) must be selected jointly by the Regional Airports Division and Assistant Chief Counsel for Enforcement. When administrative enforcement action is taken, FAA investigative personnel complete section A of the EIR (Form 2150-5). FAA investigative personnel also include the completed copy of the Warning Notice or Compliance Letter in the EIR.

5.7.4.6 **Selection of Sanctions.**

Regions will work with Assistant Chief Counsel for Enforcement and AAS-300 to develop the case and potential penalties. It is the responsibility of the Assistant Chief Counsel for Enforcement to undertake all processing of legal enforcement actions. In some cases, the Office of Chief Counsel may take the lead. Order 2150.3 contains a schedule of penalties that the Office of Chief Counsel will recommend based on the facts of the case. While agency directives provide guidance on sanctions, each enforcement case requires an individual determination of appropriate enforcement action. FAA enforcement counsel determine sanction amounts in punitive cases, and consult with program office personnel in novel cases to ensure that the sanction serves the purpose of the Compliance and Enforcement Program.

5.8 **Enforcement Consistency.**

The Airport Certification Program is a nationwide program, so it is important that all Regions and ACSIs treat alleged violations in the same manner for purposes of consistency and fairness. AAS-300 and the Regional Liaison's will provide oversight and guidance to ensure consistency. In cases involving large hub airports, AAS-1 and ARP-1/2 must be consulted prior to issuing a LOI.

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# CHAPTER 6. ACCIDENT INVESTIGATION RESPONSIBILITIES AND PROCEDURES

## 6.1 Overview.

6.1.1 Purpose.

This Chapter defines an ACSI's responsibilities during accident/incident investigations and the procedures an ACSI will follow when conducting investigations.

6.1.2 Background.

6.1.2.1 By statute, the FAA is automatically a participant in National Transportation Safety Board (NTSB) investigations with the coordination and control authority falling under the purview of the FAA Office of Accident Investigation and Prevention (AVP).

6.1.2.2 Accident investigations conducted by the NTSB or investigations delegated to the FAA, in which an ACSI participates, have important consequences. The purpose of these investigations is to ensure that all facts and circumstances leading to and following an accident/incident are recorded and evaluated to determine probable cause When FAA personnel participate in a NTSB conducted investigation, those personnel should not participate in a separate FAA investigation of the same accident (which may result in the opening of an EIR). FAA leadership may request an investigation independent from that conducted by the NTSB. If the FAA investigating team is not part of the NTSB investigation, they may use evidence culled during the inspection as part of an enforcement action. FAA representatives involved in safety investigations are to be aware of their responsibilities under the provisions of this Chapter and Order 8020.11, *Aircraft Accident and Incident Notification, Investigation, and Reporting.*

6.1.2.3 During an investigation, the FAA has nine specific responsibilities, all of which are important in determining the causal factors of an accident. Order 8020.11 defines those responsibilities (see http://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.current/documentNumber/8020.11).

## 6.2 Responsibilities.

6.2.1 Office of Airports Participation in Investigations.

The Office of Airports is prepared to participate in aircraft accident/incident investigations when airport functions are involved. During accident investigations delegated to the FAA, Airports involvement will be assumed.

6.2.1.1 **Operations Centers.**

When a telephone notification of an accident or incident is received from any source, the Regional Operations Center (ROC) or Washington Operations Center (WOC) duty officer will contact the appropriate offices/representatives for conferences or briefings as necessary.

6.2.1.2 **Airport Safety and Operations Division.**

Upon notification from Headquarters or Regional sources that an aircraft accident/incident has occurred on or near an airport (and either assuming or anticipating a request for Airports involvement), AAS-300 will coordinate with AVP to determine if Airports personnel are needed to participate in the investigation. AAS-300 will then contact the appropriate Regional Airports Division Manager to coordinate regional participation in the investigation as necessary, and advise AAS-1.

6.2.2 Office of Airport Safety and Standards Responsibilities.

6.2.2.1 AAS-300 is the primary contact and focal point in the Office of Airport Safety and Standards (AAS) for coordinating accident and incident investigations with AVP and the assigned FAA Investigator-in-Charge (FAA IIC). Per FAA Order 8020.11, an FAA IIC is typically an Accident Investigation and Prevention (AVP-100) investigator or Flight Standards District Office inspector.

6.2.2.2 Upon receiving notification of an accident/incident from AVP-100, AAS-300 will make a determination as to whether AAS-300 personnel or Regional ACSIs (or both) will participate in the accident investigation. AAS-300 will then make the appropriate coordination. Following AVP/NTSB determination of need, AAS-300 will decide to send personnel based on the following criteria:

1. In all accident/incident investigations, AAS-300 credentialed staff will be the first choice, with Regional participation included if available and appropriate.
2. If AAS-300 staff are not available and the accident involves an accident/incident without fatalities and/or significant fire, only Regional ACSIs will participate.
3. FAA IIC may make a specific request for the participation of AAS-300 specialists (which may include personnel other than credentialed ACSIs).

6.2.2.3 Upon receipt of accident or incident information from AVP-100 or any other source that might involve airport functions, AAS-300 will make a preliminary report to AAS-1 and other interested divisions and branches.

6.2.2.4 AVP-100 may ask AAS-300 to provide Airports specialists in areas other than airport certification. Upon receipt of such a request, AAS-300 will

contact the appropriate Airports organization to identify and provide the specialty needed.

6.2.2.5 AAS-300 will advise AAS-1 and other appropriate divisions and branches of any involvement of Airports functions that may be discovered during the accident/incident investigation.

6.2.2.6 During the course of an investigation, participating AAS-300 personnel will give special emphasis to—

1. Those items as directed by the FAA IIC.
2. Those items required as specified in the Airport Certification Manual (ACM) at airports certificated under Part 139.
3. At those airports subject to Federal agreements (airports that received Federal grants or surplus property), any contributing factors that are associated with or pertinent to provisions of such agreements.

6.2.2.7 If during the course of the investigation, participating AAS-300 personnel find possible violations of Part 139, they will immediately notify the AAS-300 Division Manager for consideration of additional staff assignment (not participating in the NTSB investigation) for appropriate follow-up action.

6.2.2.8 All Airports representatives will report to the FAA IIC, who will make group assignments. FAA personnel may be assigned to an NTSB working group when their expertise is required. Normally, Airports representatives will be assigned to the Operations group, but may be assigned to other groups as deemed necessary for the purposes of the investigation.

6.2.2.9 The FAA may participate in a military accident investigation when an FAA function is involved, including at an FAA certificated joint-use or shared-use airport possibly associated with an accident/incident. An FAA IIC will be assigned who will coordinate all actions and assignments, including necessary security clearance requirements. AAS-300 will ensure that personnel assigned have the necessary security clearance.

6.2.2.10 Under the provisions of International Civil Aviation Organization (ICAO) Annex 13, the U.S. may be party to investigations of accidents on foreign soil. In addition, foreign accident investigations may include U.S. technical experts at the request of the state of occurrence. All FAA participants assigned will work under the NTSB U.S. Accredited Representative, including the assigned FAA IIC. If Airports personnel are requested, AAS-300 will coordinate with the Office of International Aviation and AVP to ensure that all necessary requirements are met (including medical and security) before assigning personnel to a foreign destination.

6.2.3 Regional Airports Division Participation and Responsibilities.

6.2.3.1 Regional Airports Division personnel may participate in an accident investigation.

6.2.3.2 Regional Airports Division Managers will make arrangements for receiving immediate notification of accidents and incidents from the Regional Operations Center (ROC) and other sources, as appropriate.

6.2.3.3 Upon receiving notification that an accident/incident has occurred involving Airports functions, the Regional Airports Division will coordinate with AAS-300. If regional participation is determined to be appropriate, the Regional Airports Division will designate an ACSI to assist in the investigation. AAS-300 recommends the Lead ACSI be assigned to the investigation unless the Lead ACSI inspects the affected airport.

6.2.3.4 In order to maintain impartiality, when the participating ACSI observes or is aware that an alleged Part 139 deficiency might have occurred before or after the accident, the ACSI must immediately notify the AAS-300 Division Manager. If determined to be appropriate, a second ACSI may be assigned to investigate the matter.

6.2.3.5 If requested, the Regional Airports Division must provide a specialist other than an ACSI to participate in the accident investigation. If so, the specialist will be instructed in the proper procedures to be followed by the other participants in the investigation.

6.2.3.6 As directed by the FAA IIC, an investigation will be made into those items of an airport operator's responsibility that are pertinent to the accident or incident on the airport.

6.2.4 Duties of all ARP Participants.

1. Report to the FAA IIC.
2. Attend the IIC initial organizational meeting or coordinate with the IIC before beginning work.
3. Do not allow other FAA personnel (those not authorized as party to the investigation by the IIC) access to the site without the knowledge or consent of the IIC.
4. Understand that once assigned to an accident investigation, there is no withdrawal until the investigation is complete or a release has been secured from the IIC.
5. If required by the IIC, the ACSI will conduct an analysis of applicable airport self-inspection reports, NOTAMs, condition reports, or training documents prepared by

airport personnel to determine if a deficiency that may relate to the accident was reported and what actions were taken to correct the deficiency.

6. Comply with the IIC's determination of bio-hazard areas and comply with the established Exposure Control Plan.
7. Be alert at all times to FAA responsibilities set forth in this Chapter and in Order 8020.11.
8. Report any observed deficiencies to the FAA IIC as soon as possible.
9. Coordinate the flow of information through the FAA IIC.
10. Keep the IIC advised of all findings.
11. Keep AAS-300 and Regional Airports Division management informed of all actions and recommendations and the status of investigation as appropriate and time allows.

## 6.3 Investigation Procedures.

### 6.3.1 Accident/Incident Investigation Guidelines.

#### 6.3.1.1 General.

Order 8020.11 defines investigation responsibilities and procedures for all FAA investigators.

#### 6.3.1.2 Access to the Wreckage Site.

All ARP personnel must secure authority to access the accident site from the FAA IIC. Credentialed ACSIs must maintain their credentials on their person while at the accident site. If not credentialed, participants must coordinate access badging with the FAA IIC.

#### 6.3.1.3 Safety Equipment.

Appendices to Order 8020.11 list recommended safety equipment for accident investigation purposes. AVP-100, Flight Standard District Offices, and International Field Offices (IFOs) are required to maintain and provide this equipment to investigators in their assigned area of responsibility. The assigned FAA IIC is responsible for providing this equipment.

#### 6.3.1.4 Exposure Control.

6.3.1.4.1 During assigned accident investigations, Airports investigators must comply with Occupational Safety and Health Administration (OSHA) requirements as specified in an established Exposure Control Plan. During investigations, Airports personnel fall under the requirements of the Exposure Control Plan of the controlling flight standards office conducting the investigation (office of assigned FAA IIC) and must

comply with the provisions of that plan and Order 8020.11 upon notification of accident investigation assignment.

6.3.1.4.2 The minimum elements of an Exposure Control Plan include:

1. Training (Only in advance of assignment)
   a. All Airports ACSIs must complete this initial and annual recurrent training in accordance with Order 8020.11.
   b. A record of this training will be established.
2. Hepatitis B Virus (HBV) vaccination in advance of assignment.
   a. All Airports ACSIs, before being assigned accident investigation duties, must comply with this requirement or be exempted through the provisions detailed in Order 8020.11.
   b. A record of this compliance or determination will be established.
3. Assessment of the accident scene to determine the biohazard risk. (Conducted by the FAA IIC through use of an Exposure Control Plan, *Site Survey Hazard Checklist.* The IIC will communicate this to all participants.)
4. Selection process for the identification of needed personal protective and biohazard equipment. (Determined by the FAA IIC and communicated to all participants.)
5. Procedures for handling exposure incidents and use of FAA Form 3900-6, *Mishap Report.* (This is the responsibility of the IIC.)

6.3.1.5 **Preservation of Evidence.**

All Airports investigators must remain cognizant of the need to preserve perishable evidence in accordance with the recommendations and requirements of Order 8020.11, this Chapter, and AC 150/5200-12, *First Responders' Responsibility for Protecting Evidence at the Scene of an Aircraft Accident/Incident.*

6.3.1.6 **Immediate Safety Response.**

During investigations, the NTSB will make available to the FAA documents, reports, and other evidence from the investigation and tentative recommendations so the FAA may take immediate and necessary corrective action. Assigned Airport personnel who are advised of such information must immediately coordinate with AAS-300 and Regional Division management.

6.3.1.7 **Release of Information.**

All information developed through involvement in an accident/incident investigation is released through established processes. ACSIs must refer

any requests for information release to the FAA IIC. The NTSB, FAA Office of Communications, or FAA Regional media relations staff (as appropriate) will control the release of information during investigations.

6.3.1.8 **Witness Statements.**

Accurate and thorough witness statements are important in any investigation.

6.3.1.8.1 ACSIs called upon to conduct witness interviews should review the requirements and procedures detailed in Order 8020.11.

6.3.1.8.2 Oral Statements.

A witness may refuse to provide a written statement but give oral testimony instead. Order 8020.11 gives special instructions for the conduct and processing of an oral statement.

6.3.1.8.3 Exclusion of the FAA from Interview.

In some NTSB investigations, a witness may wish to exclude the FAA from the interview. Any such occurrence should be referred to the assigned FAA IIC for further coordination.

6.3.2 Investigation to Determine Status of Part 139 Compliance at the Time of the Accident.

6.3.2.1 During an investigation, the IIC might ask ACSIs to investigate an incident/accident specifically to determine compliance with Part 139, as compliance with Part 139 may be pertinent to determining the cause of the accident.

**Note:** While performing such a request during NTSB or FAA delegated investigations, information uncovered may not be used for punitive action.

6.3.2.2 To determine Part 139 compliance at the time of the accident, the investigator must—

1. Compare the requirements of Part 139 and the certificate holder's approved ACM to those actions and services provided in response to the event. The emergency response procedures and responsibilities implemented during the aftermath of an accident/incident should be compared to those described in the Airport Emergency Plan (AEP) section of the approved ACM (if applicable).
2. Perform a systematic inspection of the airport's programs (particularly self-inspection reports) and facilities to address previous actions taken by airport staff in response to identified deficiencies and those ACM/Part 139 program elements activated in response to the event.
3. Review tape recordings of the verbal communications between the ATCT, ARFF personnel, and operations vehicles, as well as

emergency command post instructions. The chronology of actions and the voice communications that occurred during the event are vital elements of an investigation.

4. Interview witnesses, response personnel, and uninjured victims of the event. Statements should include descriptions and verifications of the event sequence and response actions taken by the certificate holder.

6.3.2.3 ACSIs and FAA managers should always be alert for issues that warrant corrective action, whether found as a result of an accident/incident investigation or discovered during the conduct of other FAA duties. Any condition discovered during the investigation of an event either under the control of an NTSB IIC or FAA IIC must be brought to the attention of the IIC.

## 6.4 Safety Recommendations.

### 6.4.1 Development of Accident Prevention and Corrective Action Recommendations.

6.4.1.1 The main purpose of accident/incident investigations is prevention. The FAA Safety Recommendation program is one of the processes used to identify and correct safety deficiencies to ensure prevention.

6.4.1.2 Accident prevention recommendations related to deficiencies that involve design, operations, or maintenance practices or to establish standards, procedures, or policies may be developed subsequent to any accident/incident investigation. As developed, they will be submitted by the ACSI to AAS-300. AAS-300 will coordinate these recommendations with AVP.

6.4.1.3 AAS-300 will serve as the liaison and focal point for all safety recommendations assigned to ARP by AVP. This will include safety recommendations received from either the NTSB or through the FAA Safety Recommendation program (Order 8020.11) from AVP-400 (Recommendations Branch). All responses to either NTSB or FAA recommendations will go from AAS to AVP, and AVP will assume responsibility for external communications with the NTSB.

6.4.1.3.1 AAS-300 will assign one safety specialist as the liaison for this program. This specialist will maintain contact with AVP-400 and will be assigned access to the FAA/NTSB Safety Recommendation System (FNRS) by AVP. The liaison will maintain a spreadsheet in a shared drive tracking the status of all assigned safety recommendations, the last response, due dates (both to NTSB and AVP), and the internal status of documents out for coordination. The specialist will keep AAS-300 and AAS-1 cognizant of the status of all recommendations and upcoming deadlines.

6.4.1.3.2 For most NTSB recommendations, AAS-300 will also assign a subject matter expert (SME) point of contact (POC) to each assigned recommendation. The liaison will coordinate the administrative handling of the responses, while the SME POC will provide the technical matter expertise and will be assigned any work with other lines of business or outside agencies related to the response. As responses to recommendations often can require years to complete, the liaison and SME POC will work together to ensure a smooth, coordinated response to each recommendation and will keep AAS-300 up to date on the work.

6.4.1.3.3 Safety recommendations (NTSB or FAA) received from AVP often require coordination with the Regions. AAS-300 will determine when coordination is necessary and will work with the liaison in getting coordination documents to the field and assigning due dates for field responses.

6.4.1.4 AAS-300 will also evaluate and respond to both NTSB and AVP-400 (Recommendations Branch) safety recommendations as published for recommendations made about items under the authority of AAS.

6.4.1.5 When developing a safety recommendation subsequent to an accident investigation, an Airports investigator will prepare a memorandum that briefly describes the accident and the areas that are deficient. Sufficient details and/or substantiating information should be included to allow the development of meaningful corrective action. The narrative and analysis of deficiencies section is followed by the specific recommendations for accident prevention and corrective action. The memorandum must refer to this Order and be forwarded directly to the Regional Airports Division Manager and AAS-300.

1. A separate recommendation must be written for each issue.
2. Each recommendation should follow the outline below. Attach documents (including photos if available) as necessary to ensure that an understandable narrative is offered.
   a. **Background.** Provide a description of the accident and pertinent background information. Sufficient information should be included so the reader understands the development of the recommendation.
   b. **Safety analysis.** A brief review of what the safety deficiency is and why it is a problem.
   c. **Specific safety recommendation.** A concise safety recommendation is one that clearly identifies how it will address the safety deficiency and resolve the situation.
   d. **Author name and point of contact information.**

3. If the ACSI or other person submitting the recommendation believes that an emergency situation exists and continuing operation will jeopardize life or property, the recommender should initiate immediate action by speaking to the Regional Airports Division Manager and AAS-300.

6.4.1.6 AAS-300 reviews all recommendations received to ensure they have practical and realistic safety potential and then forwards them to AVP-400. AVP-400 coordinates safety recommendations received through the Safety Recommendation Review Board (SRRB) to the appropriate FAA line-of-business.

6.4.1.7 For those safety recommendations submitted by AAS-300 or Regional ACSIs as part of their participation in an accident/incident investigation, AAS-300 reviews the return response received from AVP and notifies AVP of the results of its evaluation within 30 calendar days.

6.4.1.7.1 The purpose of the final review by AAS-300 is to evaluate the response to each recommendation.

6.4.1.7.2 As AAS-300 was the originating office, it may reject the response received from AVP for valid reasons. As necessary, AAS-300, in conjunction with AVP, will take additional measures to resolve the safety issue identified by the recommendation, and the responsible FAA office will be asked to reevaluate the proposed corrective action.

# CHAPTER 7. INSPECTOR TRAINING, QUALIFICATIONS, AND CREDENTIALS

## 7.1 Purpose.

This Chapter establishes the criteria, policies, and procedures for inspector training and identifies the qualifications ACSIs must have to be eligible for credentials.

## 7.2 Background.

ACSI credentials identify the bearer as an accredited representative of the FAA, acting on behalf of the Administrator and authorized to perform airport certification inspections and to discharge those duties provided for by Part 139. To obtain credentials, individuals must meet specific requirements.

## 7.3 Policy.

7.3.1 Individuals meeting the eligibility criteria stated in Paragraph 7.6 will be issued ACSI's credentials.

7.3.2 As set forth in this Order, only persons who have been issued ACSI credentials that remain current in accordance with paragraph 7.9.3, or who hold temporarily hold inspection authorization as described in Paragraph 7.11, will perform the duties of the ACSI. This does not preclude the use of technical specialists to assist in the certification program, provided the overall responsibility for determining an airport's compliance with certification requirements remains with an ACSI qualified and current in accordance with this Order.

## 7.4 Approval Authority.

The Director of the Office of Airport Safety and Standards (AAS-1) is the approving authority for issuance of ACSI credentials.

## 7.5 Responsibilities.

7.5.1 Headquarters Responsibilities.

The AAS-300 Division Manager is responsible for establishing the criteria for eligibility, issuance, and accountability of ACSI credentials. The Office of Security and Hazardous Materials (ASH)/Internal Security Division (AIN-100) monitors and evaluates the procedures for the issuance and control of credentials, as required by Order 1600.25, *FAA Official Credentials.*

7.5.2 Regional Management Responsibilities.

Managers who oversee Regional certification programs must take appropriate measures to assure qualified persons are available (and maintain eligibility) to conduct these

programs. Considering the limited number of personnel for whom airport certification is a primary duty, it is appropriate to cross-train personnel assigned to other Airports functions. However, Regional offices are encouraged to designate full-time ACSIs.

7.5.3 AAS-300 Staff Responsibilities.

Headquarters AAS-300 staff may undergo ACSI qualification training and may be issued credentials after meeting all requirements listed in this Order. If they do not maintain the currency requirement of paragraph 7.10, they may keep their credentials; however, they will not be authorized to perform unsupervised inspections meeting the requirements of Part 139. They may, however, act as technical specialists during inspections conducted by other current ACSIs.

## 7.6 Criteria for Eligibility.

Credentials are issued to qualified persons who are assigned ACSI duties and meet the following criteria:

1. Background/experience related to aviation or airport safety (see Paragraph 7.8 for the desirable background),
2. Completion of the training requirements listed in Paragraph 7.7,
3. Demonstrated ability to inspect large and/or complex Part 139 certificated airports for deficiencies and/or unsafe conditions,
4. Recommendation from the Regional Airports Division Manager, and
5. Position within the ARP organization. (ACSI credentialing is not permitted for personnel outside of ARP or to ARP personnel who will not be assigned to conduct airport certification safety inspections.)

## 7.7 Inspector Training.

Inspector training provides ACSIs with a basic knowledge of airport operations, which enables them to administer the regulatory Airport Certification Program. Training comprises a combination of formal training courses and on-the-job training.

7.7.1 The minimum training to be completed prior to issuance of ACSI credentials includes the following:

1. Basic Airport Certification Procedures Course #06041 (FAA Academy only);
2. Compliance and Enforcement Procedures #12020 (Airport Certification Course #06041 is a prerequisite for this course);
3. Aircraft Rescue and Firefighting Training School (minimum 40-hour course is required to fulfill this requirement via recognized accredited training institution);
4. At least 3 months of on-the-job training, including administrative procedures; and

5. A minimum of six inspections of airports holding an active AOC: three observing a qualified ACSI and three being supervised by a qualified ACSI.

7.7.2 Additional Training.

7.7.2.1 **Mandatory Course.**

This mandatory course must be taken within 2 years after an ACSI receives credentials.

1. Transportation Safety Institute Course #00035, Introduction to Aircraft Accident Investigation.

7.7.2.2 **Recommended Courses.**

1. NTSB Training Center Course #AS301, Aircraft Accident.
2. FAA Academy Course #06402, Introduction to Airport Lighting, Marking, and NAVAIDs.
3. FAA Academy Course #06046, Airport Compliance Requirements.
4. FAA Academy Course #06045, Airport Planning and Design.
5. GCR 5010-1 Airport Master Record and Electronic Reporting Course.

7.7.3 Waiver Authority for Inspector Training.

7.7.3.1 The AAS-300 Division Manager is the waiver authority for inspector training course qualifications. Personnel requesting exemption from a course must provide sufficient and verifiable justification. Acceptable justification would be confirmation of an equivalent level of training or certified instruction in previous duties within the last 12 calendar months.

7.7.3.2 Waiver requests must be forwarded in memorandum format through the Regional Division or Branch Manager and then to AAS-300 Manager.

7.8 **Aviation Background/Experience.**

The following training and accomplishments provide sufficient background qualifications for an ACSI:

1. Experience or training in airport management or operations, airport planning, or inspection;
2. Experience in other FAA Airports programs; and/or
3. Experience in other FAA safety enforcement programs.

7.9 **On-the-Job Training (OJT).**

The ACSI candidate must observe and participate in the following OJT items during the inspection process. This includes preparation in performing an effective critique of the certificate holder's compliance with Part 139.

7.9.1 Pre-inspection File Review.

Chapter 4 discusses the pre-inspection review.

7.9.2 Onsite Certification Inspection.

7.9.2.1 **Observation.**

The ACSI candidate must observe at least three inspections conducted by a credentialed ACSI. The candidate should observe at least two experienced credentialed ACSIs preparing for and conducting periodic inspections. The inspections should cover a range of airport classes.

7.9.2.2 **Supervised Inspections.**

The ACSI candidate must conduct at least three independent inspections—including at least one of a Class II or III airport and one of an airport with an AOC of at least Index C—under the supervision of an experienced, credentialed ACSI. The candidate's handling of the pre-inspection process and onsite inspection will be critiqued by the credentialed ACSI assigned to oversee the candidate's OJT. The candidate will prepare all inspection documents for signature by the credentialed ACSI.

7.9.3 Evaluation of OJT Assignments.

7.9.3.1 Upon a candidate's completion of all OJT assignments, the credentialed ACSI will evaluate the candidate's OJT performance and prepare a brief written appraisal indicating the ability of the ACSI candidate to perform the duties of an independent ACSI.

7.9.3.2 If the appraisal is satisfactory, it will be forwarded to the Regional 620 Branch Manager, who will request that AAS-300 issue credentials.

7.9.3.3 If the appraisal is unsatisfactory, the credentialed inspector must inform the Regional Management staff and the AAS-300 Division Manager. Options should be discussed to determine if additional time or individualized training will ensure successful completion of the OJT program. This discussion of available and authorized options must include Human Resources offices, as well as the Regional and HQ Airports Chief Counsel teams.

## 7.10 Currency Requirements.

7.10.1 To perform the inspection duties prescribed in this Order, credentialed inspectors must maintain currency by undertaking the following:

1. A minimum of two airport certification inspections within the last 6-month period as the principal ACSI. No more than half of these inspections should be of Class IV airports. These inspections are to be reported in CCMISNet and show the ACSI's name.
2. At least once every 4 years after receiving credentials, attendance of a recurrent airport certification training course, unless waived by AAS-300.

7.10.2 If a Regional ACSI fails to remain currently qualified, the Regional Division Manager must ensure that the ACSI returns his/her credentials to AAS-300 within 30 days after currency qualifications expire.

7.10.2.1 The AAS-300 Division Manager will request the Regional Airports Division Manager secure and return the credentials of any ACSI in his/her organization whose currency has lapsed by more than 30 days.

7.10.3 AAS-300 staff specialists who obtain ACSI credentials and act as a liaison are required to maintain proficiency in airport inspection by conducting at least 1 inspection every 6 months.

## 7.11 Temporary Inspection Authorization.

7.11.1 When required to achieve program objectives, AAS-1 may temporarily issue credentials to individuals who have not met the minimum criteria for full credentials listed in Paragraph 7.7. Such individuals must have significant experience in airport safety and must be recommended by the Regional Airports Division Manager. The temporary issuance of credentials may be granted for a period to be determined by the AAS-300 Division Manager and will normally not exceed 180 days.

7.11.2 Requests for issuance of temporary ACSI credentials are made to the AAS-300 Division Manager and must include—

1. Name and background/experience of the recommended individual;
2. List of training accomplishments and intended schedule for completion of the requirements listed in Paragraph 7.7;
3. The names of the OJT airport inspections (minimum) accomplished in accordance with paragraph 7.7 (at least two of these OJT inspections must be under the supervision of a Lead ACSI);
4. Length of time the credentials will be needed; and
5. Regional office's training plan to obtain a fully qualified ACSI.

## 7.12 ACSI Credentials.

### 7.12.1 Application for Credentials.

7.12.1.1 Application for credentials must be made to the AAS-300 Division Manager on DOT F 1681, *Credential Application.* The applicant's region and routing number is entered under the section named "Office Routing Symbol".

7.12.1.2 Upon receipt of the application, AAS-300 will forward the requested number of credentials to the Region for distribution to eligible applicants for signature.

7.12.1.3 The Regional office encloses the signed credentials in an envelope and mails them.

7.12.1.4 Application forms and credentials must be sent via overnight delivery to ensure expeditious handling and security.

### 7.12.2 Issuance, Accountability, and Control of Credentials.

7.12.2.1 The AAS-300 Division Manager is responsible for the issuance and control of ACSI credentials.

7.12.2.2 Once the credentials are processed, AAS-300 will return the credentials to the applicant. Each Regional office will maintain an up-to-date record of all current credentials holders within the Region.

7.12.2.3 AAS-300 will maintain a file of all original credential applications (DOT F 1681).

7.12.2.4 Accredited personnel who transfer from one Region to another and whose duties remain unchanged may retain their credentials, but AAS-300 must be notified in writing by the manager releasing the ACSI of the transfer of accountability.

7.12.2.5 The ACSI's credential consists of the FAA Form 5280-5. It includes the photograph, title, and signature of the holder and is signed by the Director of the Office of Airport Safety and Standards (AAS-1), as the approving authority, or a designee.

### 7.12.3 Use of Credentials.

7.12.3.1 ACSIs may only use credentials in the conduct of official business.

7.12.3.2 Holders of credentials are responsible for their proper safekeeping at all times. Credentials must not be left unattended.

7.12.3.3 Misuse or improper possession of credentials can subject the offender to disciplinary actions or possible penalty under Title 18 of the U.S. Code, *Crimes and Criminal Procedures.*

7.12.4 Lost, Stolen, or Damaged Credentials.

7.12.4.1 The ACSI's credentials are Government property. If credentials are lost or stolen, the ACSI must notify the Regional Airports Division Manager immediately. This must be confirmed in writing by the ACSI to AAS-300, citing the circumstances surrounding the loss, within 48 hours of the loss.

7.12.4.2 Reasonable effort should be made to locate the missing credentials. If this cannot be done within a reasonable time or if the recovered credentials are damaged to the extent they can no longer provide adequate identification, the ACSI may apply for a replacement through normal channels. Recovered credentials must be returned to AAS- 300 via ***Overnight Mail*** for final disposition.

7.12.4.3 Upon receipt of a properly executed application and written explanation of the loss of credentials, AAS-300 will begin processing a replacement.

7.12.4.4 AAS-300 must notify the Office of Civil Aviation Security (ASH-1) in writing of the loss of credentials.

7.12.5 Surrender of Credentials.

When necessary, the ACSI's credentials must be surrendered to the holder's supervisor, who will forward the card to AAS-300 for proper disposition. The credentials must be surrendered under any of the following conditions:

1. Termination of employment;
2. Reassignment to a position that does not require ACSI credentials;
3. Issuance of revised credentials;
4. Failure to complete recurrent training and maintain experience, as specified in Paragraph 7.10;
5. Attempted use/execution of credentials in a manner not authorized under this Order; or
6. Order of the issuing authority.

7.12.6 Destruction of Credentials.

Any credentials that become damaged during processing or invalid upon termination or transfer of an employee must be forwarded to AAS-300. AAS-300 will then take the credentials to AIN for official destruction.

7.12.7 Reissuance of ACSI Credentials

7.12.7.1 ACSIs who have been out of the program for more than 12 calendar months in order to regain credentials must—

1. Review and receive a briefing from the Lead ACSI on current Orders, CertAlerts, ACs, or any pertinent guidance on airport certification and inspection;
2. Conduct three inspections accompanied by a Lead ACSI;
3. Attend the first available recurrent certification training session;
4. If out of the program for 18 calendar months or longer, complete the Basic Airport Certification Procedures Course #06041

7.12.7.2 ACSIs who have been out of the program for more than 6 months, but less than 12 calendar months, in order to regain credentials must—

1. Review and receive a briefing from the Lead ACSI on all current Orders, CertAlerts, ACs, or any pertinent guidance on airport certification and inspection;
2. Conduct one inspection accompanied by a qualified ACSI

7.13 **Inspector Exchange Program.**

7.13.1 It is recommended each credentialed ACSI participate in at least one ***out-of-Region inspection*** biennially to observe the different techniques used by other ACSIs.

7.13.2 ACSIs may be asked to conduct out-of-Region inspections in Regions where there is a shortage of ACSIs.

7.14 **Recurrent Training (FAA Academy).**

Recurrent Certification Training will be held as determined by AAS-300, but generally every other year. All credentialed and candidate ACSIs are encouraged to attend this training. However, attendance at recurrent training is required for all Regional credential holders at least once every 4 years.

# CHAPTER 8. PETITIONS FOR EXEMPTIONS

## 8.1 Purpose.

This Chapter establishes the process and procedures for petitions for exemptions from a regulation.

## 8.2 General.

8.2.1 A petition for exemption is a request from a member of the public to be exempted from the requirements of a rule or regulation (see 14 CFR § 11.15, *What is a petition for exemption?*). Section 139.111 permits applicants for an Airport Operating Certificate (AOC) or AOC holders to petition the FAA for an exemption from any requirement of Part 139. Part 11, *General Rulemaking Procedures*, covers how to issue, amend, or repeal any regulation in accordance with public rulemaking procedures under the Administrative Procedure Act (APA), 5 U.S.C. 553. It also covers the requirements for petitioners applying for an exemption.

8.2.2 The FAA Office of Rulemaking's (ARM's) Exemption Process Work Instruction[1] provides guidance on the procedures used to process petitions for exemption. In general, ARM reviews the petition to determine if it meets the requirements of Part 11, conducts preliminary background research, coordinates the FAA response, and tracks the exemption progress. ARM works closely with the Office of Primary Responsibility (OPR), which in the case of Part 139 exemptions is AAS-300.

8.2.3 An AAS-300 staff specialist is assigned the exemption and works with regional ARP staff to provide the analysis and research to assist the ARM analyst assigned with drafting decision documents. This process uses the templates and work instructions in Exemption Process Work Instruction.

## 8.3 Receipt of the Petition for Exemption.

14 CFR 11.63(a) and 11.63(b) specify the process for filing a Part 139-related exemption.

8.3.1 Petitioners seeking relief from Part 139 must file their petition for exemption ***in duplicate*** with two separate offices (§139.111(c)):

8.3.1.1 Appropriate FAA Regional Airports Division Manager in whose area the airport is or will be established.

[1] ARM-002-002-WI, *Exemption Work Instruction*, is available at https://my.faa.gov/content/dam/myfaa/org/linebusiness/avs/programs/qms/qms_homepages/arm/processes_workinstructions/Exem_002_W1.pdf.

8.3.1.2 Department of Transportation (DOT). Submit paper copies to DOT Docket Operations (see § 11.63 for street address) or file electronically via http://www.regulations.gov/.

8.3.2 The Regional Airports Division will contact the AAS-300 staff specialist assigned to their Region within 3 business days to advise receipt of the petition. Although ARM will also notify AAS-300 when a petition for exemption is received through Regulations.gov or DOT's Docket Operations, the notice from the Region is imperative as this will allow the Region and AAS-300 to begin joint analysis of the petition in a timely manner.

## 8.4 Processing the Petition.

8.4.1 Initial Review for Compliance.

8.4.1.1 Petitions for exemption must be submitted in writing at least 120 days before the proposed effective date of the exemption. ARM verifies that the petition complies with Part 11. Each petition must:

1. Be submitted as specified under 14 CFR part 11 and described in Paragraph 8.3;
2. Include an explanation of why the proposed action would be in the public interest; and
3. Include the reasons why granting the exemption would not adversely affect safety or how the exemption would provide a level of safety at least equal to that provided by the rule from which the applicant or petitioner seeks the exemption.

8.4.1.2 Under §139.111, applicants or certificate holders may petition the FAA generally (§139.111(a)) for an exemption from any requirement in part 139 or specifically (§139.111(b)) for an exemption from the ARFF requirements of §§ 139.317 (equipment and agents) or 139.319 (operational requirements). See Paragraph 8.4.2.

8.4.2 Petitions for Relief from ARFF Regulations.

For relief from the ARFF provisions of Part 139, particular requirements must be met. Section 139.111 contains additional information and filing requirements that AAS-300 must ensure are met before processing the petition. If AAS-300 determines the information required in § 139.111 has not been provided, AAS-300 will work with ARM to request additional information from the petitioner.

8.4.2.1 Under 49 U.S.C. 44706(c), the Administrator may exempt an applicant or certificate holder that enplanes annually less than one-quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from all, or part, of the ARFF equipment requirements in Part 139 on the

grounds that compliance with those requirements is, or would be, unreasonably costly, burdensome, or impractical.

8.4.2.2 In consultation with the Regional Airports Division, AAS-300 ensures that the regulatory requirements in §139.111(b) are followed.

1. Each petition filed under this paragraph must—
   a. Be submitted in writing at least 120 days before the proposed effective date of the exemption;
   b. Set forth the text of §§139.317 or 139.319 from which the exemption is sought;
   c. Explain the interest of the certificate holder in the action requested, including the nature and extent of relief sought; and
   d. Contain information, views, or arguments that demonstrate the requirements of §§ 139.317 or 139.319 would be unreasonably costly, burdensome, or impractical.
2. Information, views, or arguments provided for an exemption from ARFF requirements under §139.111 must include the following information pertaining to the airport for which the Airport Operating Certificate is held:
   a. An itemized cost to comply with the requirement from which the exemption is sought;
   b. Current staffing levels;
   *c.* The current annual financial report, such as a single audit report or FAA Form 5100-127, *Operating and Financial Summary;*
   d. Annual passenger enplanement data for the previous 12 calendar months;
   e. The type and frequency of air carrier operations served;
   f. A history of air carrier service; and
   g. Anticipated changes to air carrier service;

8.4.3 Petitions Not Meeting Requirements.

If the petition does not include the information required by § 139.111 and § 11.81, ARM prepares a rejection letter to the petitioner specifying why the petition is rejected and then prepares a closeout letter.

8.4.4 Petitions Meeting the Requirements.

If the petition meets the requirements of §139.111 and §11.81, the petition is accepted for consideration and ARM notifies the petitioner that its request is being processed. ARM then forwards the petition project folder to the OPR (AAS-300) for consideration.

8.4.5 Federal Register and Public Comment.

8.4.5.1 If the petition meets the requirements for precedent setting as outlined in §11.81, ARM drafts a Federal Register Notice, which includes a summary of the petition.

8.4.5.2 Typically, the public is given 20 calendar days to comment, but the comment period may be extended. Public comment can be received by mail or through www.regulations.gov, as described in the notice.

8.4.5.3 The FAA must address all comments in the Agency' exemption decision document and subsequently publish the decision document in the docket.

8.4.6 Time Requirements.

Sections 11.63(d) and 139.111(b)(1)(i) state the petition must be submitted at least 120 days before the proposed effective date of the exemption. This means the petitioner normally cannot expect final agency action in less than 120 days from the time the petition is submitted to the FAA. After the petitioner receives an acknowledgement letter, petitioners for exemption typically will not be notified again until the grant or denial of the petition has been issued. However, AAS-300 may ask the Regional Airports Division to obtain follow-up information from the petitioner.

8.5 **Analysis of the Petition.**

Within 30 days from receipt of the petition, AAS-300 works with the Region to prepare a briefing paper for presentation to ARP-1/2 and AAS-1 recommending either acceptance or denial of the exemption.

8.5.1 For exemptions to § 139.317 or § 139.319, the Regional Airports Division completes and attaches the ARFF Exemption Evaluation tool to the briefing paper.

8.5.1.1 AAS-300's analysis will focus on the petitioner's justification that safety will not be adversely affected and that the exemption is in the public interest. The AAS-300 staff specialist will consider the following during the analysis:

1. Recommendations by the Regional Airports Division.
2. Effect of an undue burden on the petitioner if the exemption is not granted, relative to the burden that others bear in complying with the rule; and
3. Effect of setting a precedent with respect to safety and public interest. A review of related previous exemption actions might be in order. As with any petition, the FAA may request additional information from the petitioner.

**Note:** In an exemption action, maintaining an equivalent or greater level of safety is of primary concern for all petitions.

8.5.1.2 The Office of the Chief Counsel (AGC), specifically AGC-200, may also be involved in this process. AAS-300 will consult with ARM to determine when AGC's involvement is required.

## 8.6 Procedures for Granting or Denying the Petition for Exemption.

8.6.1 The AAS-300 staff specialist is responsible for preparing FAA's analysis with the Regional Airports Division. Once the analysis is complete, AAS-300 and the Region will brief ARP-1/2 and AAS-1 on the results of final analysis and recommended action. The FAA may grant, deny, or partially grant the exemption request.

8.6.1.1 **Decision to Grant.**

After completing the analysis, the FAA may conclude the petitioner's arguments support a grant of exemption.

8.6.1.2 **Decision to Deny.**

After reviewing all of the issues involved, the FAA might determine the petitioner has not shown reasonable support for granting the exemption. A decision to deny the exemption is based on the determination that the exemption would not be in the public interest, would adversely affect safety, or, if applicable, would not provide a level of safety equal to Part 139.

8.6.1.3 **Partial Grant of Exemption.**

If the agency determines that part of the petitioner's request meets the criteria for granting the petition, it may issue a partial grant of exemption.

8.6.2 Decision Document.

8.6.2.1 AAS-300 is responsible for drafting the decision document that will describe the basis for the decision and any conditions or limitations. AAS-300 then forwards this document to ARM for final analysis.

8.6.2.2 ARM will review and edit the decision document to make certain that all of the petitioner's key points have been addressed; ensure the exemption reads with a professional and appropriate tone; and ensure the document is in the appropriate template.

8.6.2.3 AAS-1 signs the final document and returns the package to ARM.

8.6.2.4 ARM finalizes the package and assigns an exemption number. ARM enters the exemption into a database for agency distribution and then sends the final decision document to the petitioner.

8.6.2.5 AAS-300 forward copies of the final documents to the Regional Airports Division so copies can be placed in the airport's certification file and the information entered into CCMIS.

## 8.7 Petition for Reconsideration.

8.7.1 Petitioners may request the FAA reconsider a denial. Section 11.101 requires a petition for reconsideration to be filed with the Administrator within 60 days after a petitioner is notified of a denial of exemption. For the FAA to accept a petition for reconsideration, the applicant or certificate holder must show the following:

1. They have a significant additional fact, including why they did not present it in the original petition;
2. The FAA made an important factual error in its denial of the original petition; or
3. The FAA did not correctly interpret a law, regulation, or precedent.

8.7.2 The procedures for processing a petition for reconsideration are the same as those for processing a denial or grant of petition for exemption.

## 8.8 Exemption Expiration and Petition for New Exemption.

Exemptions cannot be "extended" beyond their termination date which is either 2 years or at the conclusion of the one-time event. Airports requiring exemption from the applicable section of regulation beyond the expiration date must submit a petition for a new exemption.

## 8.9 Exemptions for Non-certificated Airports with Special Events Triggering Part 139.

8.9.1 Certain special events at non-certificated airports may include operations that would require the airport to hold an AOC. In these cases, it may be costly and unduly burdensome to require the airport to obtain and maintain an AOC for longer than the duration of the special event. Part 139 does not permit the issuance of time-limited AOCs or Letters of Authorization. Therefore, a non-certificated airport may petition the FAA for an exemption from §139.101 for the duration of the special event.

8.9.2 Similar to other exemption petitions, AAS-300 is responsible for analyzing the request. Airports should be advised to submit their request ***at least 120 days*** prior to the special event.

8.9.3 The FAA may require the airport to take certain actions to ensure an equivalent level of safety is achieved during the event. These actions will be identified in the FAA's decision document. For example, the airport may be required to:

1. Designate certain runway/taxiway(s) for air carrier use;
2. Perform inspections prior to each air carrier operation;

3. Pre-position ARFF equipment 15 minutes prior to arrival and departure of air carrier aircraft and remain in position until 15 minutes after the operation is complete; and
4. Conduct a table-top exercise for emergency response prior to the special event.

8.9.4 If the Region is aware of a recurring short-term exemption, the Region should coordinate with the certificate holder to establish an equivalent level of safety prior to the submittal.

8.9.5 Duration of Exemption.

If the FAA decides to grant the exemption request, its duration will only be for the duration of the special event. The airport will have to submit a new petition for future special events that include air carrier aircraft.

# CHAPTER 9. PARTICIPATION IN SAFETY-RELATED ACTIVITIES

## 9.1 Purpose.

9.1.1 As subject matter experts in airport certification, ACSIs may be called upon to attend and participate in any number of events related to airport certification and aviation safety. An ACSI may focus on workgroups that wish to comply with certification standards or may offer insight into best or recommended safety practices.

9.1.2 Any airport planning or training event related to airport certification would benefit from ACSI involvement, but an ACSI must be circumspect in scheduling participation to ensure their time is effectively focused on the most salient issues. Important airport-related events include the following:

1. Airport Emergency Plan exercises
2. Pre-design/pre-construction conferences
3. Review of construction safety phasing plans
4. Inspection of construction projects
5. Joint planning conferences
6. Runway Safety Action Team Meetings
7. Participation in SMGCS meetings
8. Investigations of minor vehicle/aircraft accidents not involving NTSB
9. Assisting Headquarters/AAS-300 staff with special projects

9.1.3 ACSIs should coordinate participation in workgroups or giving presentations at an industry event with Regional management prior to the event. These activities should focus strictly on airport certification. Any participation or recommendations made while attending planning events must be documented in the form of an After Action or Trip Report with copies provided to Regional Management as well as to AAS-300.

9.1.4 ACSIs may participate in Safety Risk Management (SRM) Panels upon request. SRM Panels are enacted to provide an in-depth examination of hazards and risks associated with a project proposal. Panel members should be considered subject matter experts who are selected to analyze and deliberate on data associated with an airport project.

9.1.4.1 The *Office of Airports Safety Management System (SMS) Desk Reference* is a valuable tool to consult if selected to participate in a SRM Panel.

## 9.2 Airport Emergency Plan (AEP) Exercises.

9.2.1 ACSIs should attend as many full-scale triennial disaster exercises as time and funding allow. There is great benefit to attending exercises at all airports, but given resource issues, ACSIs should concentrate on exercises at larger, more complex airports.

9.2.2 An exercise should not only be a learning experience for airport/emergency personnel, but also an opportunity for the ACSI to evaluate the AEP first-hand. ACSIs should not be formal evaluators during the exercise, as it would limit their ability to observe all aspects of the exercise and its planning. The airport in question will provide its own evaluators and their performance should be part of an ACSI's review. Rather, ACSIs should be present to observe the exercise from a broader, compliance-related, perspective (reference AC 150/5200-31, *Airport Emergency Plan;* approved ACM; and corresponding documentation). The accident/exercise evaluation checklist in AC 150/5200-31, Appendix 3, is a very useful tool for these observations.

**Note:** Any problems or deficiencies identified during the exercise that might require a change to the approved ACM/AEP must be corrected in a timely manner.

9.2.3 AEP table-top review exercises are equally important to airports in updating their AEP and preparing for their required triennial exercise. Thus, as availability and funding allow, Regions should consider attending table-top planning exercises to ensure airport compliance with standards.

## 9.3 Pre-design/Pre-construction Conferences.

ACSIs should coordinate with ADO Program Managers to attend pre-design and pre-construction conferences when a construction project is complex or there is significant work that might impact compliance with Part 139. This will allow the inspector to provide input before the time of design/construction. ACSI recommendations and comments should be documented. The ACSI should ensure the airport certificate holder has addressed § 139.341 (identifying, marking, and lighting construction and other unserviceable areas) in the approved ACM section on construction safety and developed a Construction Safety Phasing Plan (CSPP) and that contractors have developed appropriate Safety Plan Compliance Documentation (SCPD) as required by AC 150/5370-2. The ACSI should review the plan during the pre-construction phase.

## 9.4 Inspection of Construction Projects.

As funding and time allow, ACSIs should consider scheduling surveillance inspections of large/complex construction projects during construction to ensure safety and compliance with standards. In addition, upon completion of a construction project involving complex or significant work, the ACSI, if available, should accompany the FAA Project Engineer/Manager to assure compliance with Part 139 standards. If problem areas are noted, the ACSI should direct airport management to bring the project up to standards and into compliance.

## 9.5 Joint Planning Conferences (JPCs).

If JPCs are conducted within the ACSI's Region and Part 139 issues will be discussed, the ACSI should attend if workload permits. If unable to attend a JPC, the ACSI should address any certification safety needs through the colleague responsible for airport planning.

## 9.6 Runway Safety Action Team (RSAT) Meetings.

ACSI participation in RSAT work is critical to ensure RSAT recommendations and Runway Safety Action Plans adhere to applicable standards. ACSIs are encouraged to attend RSAT meetings and to participate in runway safety efforts whenever possible.

## 9.7 Other Safety-Related Events.

As funding and time allow, ACSIs should consider taking part in other safety-related airport groups. Participation can enhance awareness of airport activities and capabilities and can lend credibility to the importance of such meetings and annual reviews. ACSIs should consider participating in events such as special event planning sessions (such as for airshow waiver processing and ground operations safety plan reviews), local SMGCS Working Group meetings, annual Wildlife Plan reviews, airport emergency planning group reviews, airport ARFF training, Snow and Ice Control Plan (SICP) reviews, airport drivers training sessions, and other airport safety planning/review events.

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# CHAPTER 10. PROGRAM EVALUATIONS, STAFF VISITS, AND STAFF REGIONAL LIAISIONS

## 10.1 Purpose.

10.1.1 This Chapter provides guidance to personnel conducting a formal program evaluation or staff visit.

10.1.2 Formal evaluations and staff visits help determine the effectiveness of Regional Airport Certification Programs. FAA Order 1100.154, *Delegations of Authority*, provides national policy on evaluations and staff visits. The guidelines in this Chapter will assist personnel as they evaluate Regional performance and compliance with policies, regulations, and procedures. The results of these evaluations should identify—

1. Effectiveness of Regional application of the certification program,
2. Needed improvements,
3. Whether ACSI resources are being managed properly, and
4. Adequacy of the existing policies, programs, and regulations.

## 10.2 Formal Evaluations.

Periodic formal evaluations provide an in-depth progress review, note weaknesses and strengths, and identify recommendations for improvement. Regional offices should act upon evaluation findings in a timely manner.

10.2.1 AAS-300 will—

1. Conduct a full-scale evaluation of the Airport Certification Program in each Region on a periodic basis. Ideally, evaluations will occur every 3 years, but funding and availability of auditors will impact the schedule. Other factors influencing the schedule include program identifiers such as CCMISNet, changes in policy and guidance, and staff turn-over in the Region. The AAS-300 Division Manager will confer with assigned staff specialists and Regional management to determine the exact schedule.
2. Provide Regions with evaluation guidelines to assure comprehensive and uniform evaluations among the Regions.
3. Notify the appropriate Region of a proposed evaluation 90 days in advance.
4. Include entrance and exit interviews with the Regional Airports Division Manager or other designated representative.
5. Report promptly the results of the evaluation to AAS-1. A draft report should normally be issued within 45 days after completing a regional evaluation.

10.2.2 Formal evaluations—

1. Normally occur within a 1-week period.

2. Generally are conducted by an evaluation team consisting of AAS-300 management, one or two AAS-300 airport certification specialists, and a Regional Lead ACSI.
3. Include a visit by this team, led by AAS-300 management, to the Regional office, where they will review/evaluate the approved ACMs, inspection documentation and follow-up, and files (including correspondence, Airport Master Records, and V/PD documents). The evaluation team will appraise the overall state of the Airport Certification Program at the Regional level and documents all actions and findings in a report.
4. Include a sampling of scheduled airport certification inspections, during which evaluation team members accompany Regional ACSIs. These inspections will be coordinated well in advance to reduce disruption to the Region's program and to allow for maximum use of the evaluation team's time.
5. Will make use of the Regional Evaluation Checklist. This checklist is not all inclusive, and at the direction of AAS-300 management, the evaluation may include additional elements.

10.3 **Staff Visits.**

These are informal visits with regional ACSIs and are generally intended to provide assistance, clarify policy, and conduct informal reviews of a Regional office's management of the Airport Certification Program. They allow for informal discussion of problems, program accomplishments, ways of improving Region/Headquarters dialogue, and consistency of policy interpretations.

10.3.1 AAS-300 will—

1. Attempt to conduct a staff visit to each Region as often as funding and availability of staff will allow, except during the year of a formal evaluation. The staff visit is generally conducted by one AAS-300 airport certification specialist who ideally is the region's liaison.
2. Coordinate staff visits with the Region involved.
3. Notify the appropriate Region of a proposed staff visit at least 30 days prior to the proposed visit to arrange an acceptable date.
4. Travel to the Regional office for a 1- to 2-day period. In certain instances, the AAS-300 airport certification specialist might accompany a Regional ACSI on a scheduled certification inspection.
5. Conduct an informal interview with the Regional Airports Division Manager or the designated representative and hold informal discussions with the ACSIs.

10.3.2 The visit will concentrate on airport certification issues and other issues proposed by AAS-300 or the Region.

10.3.3 The visit will result in an informal trip report documenting findings and discussions. It will highlight any follow-up questions and actions items for the Region and the AAS-300 team.

## 10.4 AAS-300 Staff Regional Liaisons.

10.4.1 The AAS-300 Manager will designate each AAS-300 airport certification staff specialist as a Staff Regional Liaison for one or more Regions. The intent of this role is to foster and maintain open communication and information flow between Regional management/ACSIs and AAS-300 staff.

10.4.2 The Regional Liaison will be responsible for the following actions:

1. Once assigned a Region, advising the Region's Division Manager/Branch Manager and Lead Inspector of his or her designation as their AAS-300 Staff Regional Liaison;
2. Conducting monthly reviews of CCMISNet entries;
3. Setting up a monthly telecom, at a minimum, with the Lead ACSI to discuss the current status of—
4. The airport inspections just completed/forthcoming,
5. Non-compliance issues the Region is handling,
6. Exemption requests, as applicable, and
7. Any pertinent concerns or input the Regional staff would like AAS-300 to address.
8. Assisting Regional staff with AC interpretations.
9. Providing timely updates to Regional staff on current airport certification, training, and regulatory guidance updates or issues AAS-300 staff is managing.
10. As schedules and budget allow, offering to participate in airport inspections within their Region of assignment and/or upon request.
11. Conduct one staff visit per year and participate in an airport inspection once every six months.

## 10.5 AAS-300 Evaluation of CCMIS Program Entries.

AAS-300 periodically reviews entries in CCMISNet from each Region to validate compliance and consistency with inspection notes and findings. These reviews result in data that can then be exported for trend and analysis assessments of airport certification non-compliance. This effort will be led by the respective liaison for the region. AAS-300 will—

1. Review CCMISNet entries for accuracy, completeness, and adherence to applicable airport certification inspection guidance.

2. Provide feedback to the Regional staff on positive and negative trends noted during the reviews.

# CHAPTER 11. REPORTS, CORRESPONDENCE, AND RECORDS

## 11.1 Purpose.

This Chapter provides administrative guidance on standardized reports, correspondence, and records associated with the Airport Certification Program.

## 11.2 Correspondence and Reports from ACSIs to Certificate Holders.

The following correspondence and reports are used by ACSIs when communicating with certificated airports. Changes may be made, as needed, to each of the documents listed below to meet the needs of the specific situation.

### 11.2.1 ACM Transmittal Letter (Appendix E).

The initial ACM and revisions/amendments submitted for approval by the certificate holder must be returned to the certificate holder by transmittal letter. The transmittal letter must refer to the approved ACM revisions and amendments, or it must state why they were not approved and identify what further action is necessary to meet Part 139 requirements for approval.

### 11.2.2 Certificate Action Letter (Appendix D).

A letter to the certificate holder must accompany the AOC when it is issued or the class of certificate is upgraded or downgraded. The letter must contain pertinent information (e.g., limitations or conditions) for the class certificate being issued.

### 11.2.3 Closeout Letters.

Three types of closeout letters are used for closing out either an inspection or an investigation.

#### 11.2.3.1 Inspection Closeout Letter (Appendix I).

A closeout letter must be sent to the airport certificate holder stating as a result of the airport inspection, the certificate holder was found to be in compliance with Part 139. (This letter officially closes the inspection.)

#### 11.2.3.2 Completion of Corrective Action (Appendix L).

If the ACSI issued a Compliance Letter to the airport certificate holder and a response was made about the correction of discrepancies, then the ACSI must send a second letter back to the airport certificate holder, confirming receipt of notification for corrective action taken. The Letter Acknowledging Completion of Corrective Action indicates the ACSI accepts the certificate holder's statement that the airport is now in compliance with Part 139; it officially closes the inspection.

#### 11.2.3.3 Investigation Closeout Letter (Appendix N).

The closeout letter for an investigation must be used after it has been determined no violation has occurred. The letter must include the original

statement of facts contained in the Letter of Investigation, that the investigation did not establish a violation, and that the case is closed.

11.2.4 Inspection Confirmation Letter (Appendix F).

After informally scheduling an inspection with the airport manager by phone, the ACSI should send a formal letter, confirming date and time and requesting any other information the ACSI would like available at the time of the inspection. A copy of the inspection confirmation letter should be sent to FAA field offices, as outlined in Chapter 4.

11.2.5 Letter of Investigation (Appendix M).

When an event or condition on an airport might constitute a violation of Part 139, the ACSI issues a Letter of Investigation to the certificate holder. The letter must include the known facts and/or circumstances associated with the event or condition, which are being used to ascertain whether a violation of the regulation occurred or existed and whether there is a basis for pursuing enforcement action. The Letter of Investigation is neither a statement of charges nor final action by the FAA; it should state simply that a violation may have occurred and an investigation is required to reach a final determination.

11.2.6 Warning Letter and Compliance Letter (Appendices J and K).

The Warning Letter and the Compliance Letter are two types of administrative enforcement actions. They provide the ACSI with a means of addressing minor types of violations, which do not require legal enforcement.

11.2.6.1 A Warning Letter must be used when a violation appears to have occurred, corrective action has been taken, and no legal enforcement action is warranted. The Warning Letter must state the event or condition involved, that such operations or practices are contrary to the regulations, that corrective action was taken without FAA involvement, and that no legal action is warranted. If a Letter of Investigation has not previously been issued, the Warning Letter must also invite a statement by the alleged violator.

11.2.6.2 Criteria for use, format, and content and a sample Compliance Letter and Warning Letter are contained in Order 2150.3.

## 11.3 Correspondence and Reports from Regional Airports Divisions to Headquarters.

Regional Airports Divisions must submit the following reports and correspondence to AAS-300:

1. **Periodic Inspection Schedule.** Proposed periodic inspection schedules must be forwarded to AAS-300 within the first 30 days of the inspection year. Any changes to the schedule must also be sent to AAS-300. Schedules can be set up by month and by ACSI.

## 11.4 Correspondence and Reports from Headquarters to Regional Airports Divisions.

AAS-300 must send the following reports and correspondence to the Regions:

1. **Safety-Related Material.** As they become available, videotapes, posters, informational placards, pocket booklet publications of FAA regulations, and safety bulletins are sent to the Regions for distribution to airports.
2. **Accident Investigation Reports Related to Part 139.** Any NTSB report related to a certificated airport is forwarded to the Region for information and for use in analyzing airport compliance. AAS-300 distributes NTSB reports as they become available.

## 11.5 Airport Certification Records.

11.5.1 Each Regional Airports Division must maintain the following records for each certificated airport:

1. **ACM.** The approved ACM for each individual airport must be maintained in a designated centralized location for easy access. In Regions that have Airports District Offices (ADOs) involved in the certification program, the ADOs can maintain the ACMs within their particular jurisdiction. A copy of the Application for Certificate, a copy of the certificate issued, and current and past exemptions must also be maintained at the same location.
2. **Correspondence.** Any type (hard copy or electronic) correspondence related to the Part 139 program must be maintained in the appropriate file.
3. **Inspection Records.** The Airport Certification/Safety Inspection Checklist (Form 5280-4) must be maintained for each airport.
4. **Legal Enforcement Material.** A copy of all legal enforcement packages must be maintained until final disposition of the case. All documents and correspondence pertaining to the individual file must be filed within the Enforcement Investigative Report (EIR) package.
5. **Suspense Files/System.** A suspense file/system for monitoring post inspection documentation, inspection closeout procedures, and corrective action dates must be maintained by each Region.

11.5.2 Record-keeping Requirements.

11.5.2.1 Individual airport files should be kept for at least 3 years; they then should be transferred to an Archive Correspondence file and retained until they are transferred to the Federal Records Center. Correspondence and individual files may be handled and maintained in accordance with Regional policy.

**Note:** An airport's ACM, Application for Certificate, a copy of the certificate issued, and current and past exemptions are permanent records and must not be sent to the Federal Records Center.

11.5.2.2 Suspense file storage and disposition must follow FAA Order 1350.4, *Records and Management.*

## 11.6 General Instruction for Completing the Airport Master Record (Form 5010-1) and A-26 and A-110 Remarks.

11.6.1 Responsibility.

The ACSI is responsible for providing safety information to the Airport Engineering Division (AAS-100) for dissemination to and use by the aviation community. It is important the ACSI provide this information in a consistent and concise manner to ensure a common interpretation by the users. In many cases, the airport submits this information to the FAA directly. Therefore, it is necessary for the ACSI to advise and educate airport management about their responsibility and the need for using appropriate forms and texts for submitting the information. AC 150/5200-35, *Submitting the Airport Master Record in Order to Activate a New Airport*, provides guidance on completing the Master Record.

11.6.2 Safety Information.

Information about the airport's status under Part 139 is published in the Airport/Facility Directory (A/FD). The information includes the class of certificate and appropriate text to describe the availability and levels of ARFF services. The class of certificate, ARFF index, and date are entries on the Airport Master Record (Form 5010-1), specifically in Item 26. Text relating to ARFF services is carried on the form as an A-26 remark.

11.6.3 Process.

Information about the airport's status under Part 139 is obtained in two ways:

1. The ACSIs may enter/change the appropriate entry on the Airport Master Record. This usually occurs during the periodic inspection of the airport.
2. Airport management can issue a NOTAM to the flight service station (FSS). These NOTAMs are forwarded to NFDC for review and verification before being published. NFDC review might include contact with the appropriate ACSI as well as airport management to assure there is no misinterpretation of the information received.

11.6.4 Criteria for Entries/Remarks.

Entries and Remarks relating to certificated airports will be approved for publication if they describe ARFF services availability (trucks) or response operations (capabilities) that differ from the entry currently published in the A/FD (A-26 remark on the Form 5010-1).

## 11.7 General Instruction for Completing the Airport Certification/Safety Inspection Checklist (Form 5280-4)

11.7.1 For airport operators holding or applying for an AOC, Form 5280-4 must be used for the initial inspection, periodic inspections, follow-up inspections, and surveillance inspections.

11.7.2 The following definitions apply when completing Form 5280-4:

1. **Satisfactory (S).** A condition that, at the time of inspection, meets criteria contained in Part 139 and the requirements of the ACM. Chapter 4 provides guidance for making this determination.
2. **Unsatisfactory (U).** A condition that, at the time of inspection, does not meet the criteria contained in Part 139 and/or the requirements of the ACM. Chapter 4 provides guidance for making this determination. An entry must be made under Remarks/Narrative explaining all unsatisfactory entries.
3. **Not Applicable (N/A).** A condition that, at the time of inspection, does not need to meet the criteria contained in Part 139 or the requirements of the ACM or this Order or was not inspected during this particular inspection.
4. **Remarks/Narrative.** An entry must be made in the Remarks/Narrative section explaining all unsatisfactory entries on the form, those cases where a satisfactory rating is either marginal or greatly exceeded, or where an entry might prove useful at a later date.
5. **Not Inspected.** For those items not inspected, an entry of "Not Inspected" is entered after the affected item. The ACSI may expound upon this statement in the Remarks/Narrative section and state why the item was not inspected.

## 11.8 Inspection Reports.

Initial and periodic certification inspections must be fully documented. Form 5280-4 must be completed and the certificate holder advised of the results of the inspection within 10 working days. Additional forms to be completed include the Airport Master Record (Form 5010-1), the Enforcement Investigative Report (Form 2150-3), and the Compliance Letter.

## 11.9 Certification and Compliance Management Information System (CCMISNet).

11.9.1 CCMISNet is a web-based program that contains information on certificated airports and the results of inspections. ACSIs must enter the appropriate inspection data into CCMISNet as soon as practicable, but not later than 7 days after the completion of the inspection. Some of the information contained in the data fields of CCMIS are only entered or changed through the 5010Web database. Those entries are highlighted in yellow in CCMISNet.

11.9.2 It is imperative that all entries in CCMISNet are accurate and concise. Information contained in this system is subject to review by management, legal counsel, and potentially by the general public. They must fully explain what the discrepancy is and be able to stand alone, without further explanations.

11.9.3 Plain language is recommended; ensure all entries are spell checked and grammatically sound.

11.9.4 The following tabs are used in CCMISNet:

1. **Airport.** This tab gives the user the ability to add or edit general information about a Part 139 airport.
2. **Activity.** This tab tracks information about an ACSI's certification-related activity
3. **ARFF.** This tab tracks information about airport rescue and firefighting equipment at Part 139 airports. This tab is to be completed and updated after each inspection.
4. In the Office/Department field, the organization providing the ARFF service is entered. ***Example:*** If the ARFF service belongs to the airport operator, the name of the airport operator is entered. If the ARFF service is provided by an Air National Guard unit or by an Air Force Reserve unit, then the entry will read "Air National Guard" or "Air Force Reserve."
5. In the "# ARFF Personnel" field, the number of personnel assigned to that vehicle is entered. This information should be available from the approved ACM. If the vehicle is a reserve vehicle, then the window should show "0".
6. **Exemptions.** This tab tracks exemptions to Part 139 requirements that have been granted to the airport.
7. **Reports.** This tab allows the user to run built-in standard reports using flexible selection criteria.
8. **V/PD.** This tab allows the user to query vehicle and pedestrian deviations within a selected Region.
9. **Letters.** This tab gives the user the ability to create standard letters for specific situations that extract data from the airport or activity tabs.
10. **Doc Library.** This tab contains various forms of documentation, to include photos, uploaded by ACSIs.
11. **Tools.** This tab contains a list of common tools and program setup preferences.
12. **Dashboard.** This tab provides a pictorial view of all V/PDs within a selected Region.

# APPENDIX A. U.S. GOVERNMENT-OWNED AIRPORTS CERTIFICATED UNDER 14 CFR PART 139

As of June 9, 2004, only one U.S. Government-owned airport was certificated under 14 CFR Part 139: Midway Atoll, Henderson Airfield. This airport is owned by the Department of the Interior and managed and operated by the U.S. Fish and Wildlife Service. This airport is integral to extended range operations with two-engine airplanes (ETOPs) in the Pacific Ocean, with both domestic and foreign flag airline operations dependent on an emergency landing area that meets certain requirements. The U.S. Congress has directed FAA and the Department of the Interior to maintain this airport.

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# APPENDIX B. APPLICATION FOR CERTIFICATE (FAA FORM 5280-1)

OMB CONTROL NUMBER: 2120-0675
OMB EXPIRATION DATE: 7/31/2015

**APPLICATION FOR AIRPORT OPERATING CERTIFICATE**

**Department of Transportation**
Federal Aviation Administration

FAA USE ONLY
Site Number

Complete all sections of the form as indicated. Submit original and three copies of the form and two copies of the Airport Certification Manual (ACM) to the headquarters of the appropriate FAA Regional Office.

**Type of Submission** (Check One):
☐ Original ☐ Amendment ☐ Exemption

**A. Location of Airport**

| | | | |
|---|---|---|---|
| 1. Name of Airport: | | 2. Address (Number, Street, P.O. Box): | |
| 3. City: | | 4. County: | 5. State: / 6. Zip Code: |
| 7a. Latitude: ° ' " | 7b. Longitude: ° ' " | 8. Airport is: a. State Licensed ☐ Yes ☐ No; b. State Inspected ☐ Yes ☐ No | |

**B. Ownership**

| | |
|---|---|
| 1. ☐ Municipality ☐ State ☐ Military ☐ Corporation ☐ County ☐ Other (Explain) ☐ Port Authority ☐ Airport Authority | 2. Airport is: ☐ Civil ☐ Mil/Civ Joint Use ☐ Shared Use |
| 3. Name of Owner: | 4. Name of Manager/Operator: |
| Number/Street/P.O. Box: | Number/Street/P.O. Box: |
| City: County: State: Zip: | City: County: State: Zip: |

**C. Operative Data**

| | |
|---|---|
| 1. Certificate Applied for: ☐ Class I ☐ Class II ☐ Class III ☐ Class IV | 2. Fire Fighting Equipment (Check Current Index and ensure equipment is listed in ACM): ☐ A ☐ B ☐ C ☐ D ☐ E |
| 3. Air Carriers to be Served (UA, DL, CO, AA, etc.): | 4. Largest Air Carrier Aircraft to be Served (737, DC-9, etc.): |
| 5. ARFF Exemption Applied for: ☐ Yes ☐ No | 6. Other Exemptions Applied for: |

**D. Remarks.** ☐ Check here and use additional sheets of paper.

**E. Certification**
This application, including the Airport Certification Manual, is submitted in order to obtain an Airport Operating Certificate or Time-Limited Airport Operating Certificate. I certify, under penalty of 18 U.S. Code, Section 1001, and other applicable provisions of law that the statements and information in the application form and manual are complete and true to the best of my knowledge.

| | | |
|---|---|---|
| Applicant Signature | | Applicant Address/Number/Street/P.O. Box: |
| Applicant Name (typed): | | City: |
| Applicant Title: | Date Submitted: | State: Zip: Telephone No.: |

**FAA Use Only**

| | | | |
|---|---|---|---|
| 1. Date Application Received: | | 2. Date Proposed for Inspection: | |
| 3. Date Inspection Completed: | | Signature | Title : |
| 4. Recommended for: ☐ Certificate ☐ Disapproval | Date: | Signature | Title : |
| 5. Remarks | | | |

FAA Form 5280-1 (5/15) SUPERSEDES PREVIOUS EDITION

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# APPENDIX C. AIRPORT OPERATING CERTIFICATES

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

## AIRPORT OPERATING CERTIFICATE

*This certifies that(Airport Owner/Operator) as owner and operator of (Airport Name, City, State)*

*has met the requirements of the Title 49 USC, Subtitle VII – Aviation Program, and the rules, regulations, and standards prescribed thereunder for the issuance of this certificate, and is hereby authorized to operate as a certificated airport in accordance with and subject to said statute and the rules, regulations, and standards prescribed thereunder, including but not limited to 14 CFR Part 139, and any additional terms, conditions, and limitations contained herein or in the approved Airport Certification Manual on file with the Federal Aviation Administration.*

*This certificate is not transferable and, unless sooner surrendered, suspended or revoked, shall continue in effect.*

*By Direction of the Administrator*

*Effective Date:*

*Reissue Date:*
*Issued at:*

*Manager, Airports Division*

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# APPENDIX D. CERTIFICATION ACTION LETTER

(Date)

Mr./Ms. (Name)
(Title)
(Airport)
(Street Address)
(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport) (City, State)

Airport Operating Certificate

This letter advises your application for an Airport Operating Certificate for (Airport), (City, State), has been approved. We have determined (Airport) is in compliance with the intent of the Federal Aviation Act of 1958, as amended and incorporated in subsequent legislation, and the rules, regulations, and standards prescribed thereunder for issuance of an Airport Operating Certificate. You, therefore, are authorized to operate as a certificated airport in accordance with and subject to said Act and the rules, regulations, and standards prescribed thereunder, including, but not limited to, 14 CFR Part 139, and any additional terms, conditions, or limitations as prescribed in your approved Airport Operating Certificate.

Enclosed is your Airport Operating Certificate, which has been duly signed. Upon receiving the certificate, please display it in a prominent location. If the certificate is surrendered, please return it to the Federal Aviation Administration, Regional Airports Division Office.

Sincerely,

(Manager's Name)

Manager, Airports Division

Enclosure

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# APPENDIX E. AIRPORT CERTIFICATION MANUAL TRANSMITTAL LETTER

(Date)

Mr./Ms. (Name)
(Title)
(Airport)
(Street Address)
(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport) (City, State)

Revision to Airport Certification Manual

We have reviewed and approved the revision to your Airport Certification Manual (ACM), dated (Date). Please distribute copies of the revision to the holders of the ACM listed on the Distribution List, and record this revision in the ACM revision log, as appropriate. Each existing ACM should be updated in accordance with this revision.

Sincerely,

(ACSI's Name)

Airport Certification Safety Inspector

Enclosure

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## APPENDIX F. INSPECTION CONFIRMATION LETTER

(Date)

Mr./Ms. (Name)
(Title)
(Airport)
(Street Address)
(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport) (City, State)

Scheduled Annual Certification Inspection

As discussed by telephone, the annual certification inspection of (Airport) is scheduled for (Date). Please have the following information and records available during the inspection:

a. Number of based aircraft for the Airport Master Record.

b. Number of operations for the previous 12 months for the Airport Master Record.

c. ARFF training curriculum and personnel training records to include a certificate or other documentation for the completion of live-fire training.

d. Basic emergency medical care training curriculum and certificates.

e. Quarterly inspection records of fueling agent physical facilities

f. Written confirmation from each fueling agent (if not operated by the airport) that the required fuel training has been accomplished.

g. Documentation from each fueling agent, that at least one supervisor has completed an Aviation Fuel Training Course in Fire Safety. Documentation of hands-on fire extinguisher training must be provided.

h. Documentation of the annual review of the Airport Emergency Plan.

i. Documentation of the triennial exercise of the Airport Emergency Plan. (Does not apply to all classes.)

j. Documentation of the Annual Wildlife Hazard management Plan Review (if applicable)

k. The training records of all personnel who have access to the movement and

safety areas and perform duties in compliance with the ACM.

l. Records of the Self-Inspection Program for the previous 12 months including records showing the corrective actions taken, such as work orders.

m. NOTAM log

n. Any records of accidents or incidents on movement areas involving air carrier aircraft and/or ground vehicles.

If you have any questions about the inspection, please contact me at (Telephone Number).

Sincerely,

(ACSI's Name)

Airport Certification Safety Inspector

# APPENDIX G. AIRPORT CERTIFICATION/SAFETY INSPECTION CHECKLIST (FAA FORM 5280-4)

See following pages.

# AIRPORT CERTIFICATION/SAFETY INSPECTION CHECKLIST

| | | |
|---|---|---|
| Airport Name: | Associated City,<br>State: | Site<br>No.: |
| Certificate<br>Holder: | Current ARFF Index (A-26): | Airport Classification (Check)<br>Class I Class II Class III Class IV* |
| Inspector: | Inspection Dates: | S=Satisfactory U=Unsatisfactory<br>N/A = Not Applicable Remarks Required |

| | S | U | N/A | | S | U | N/A |
|---|---|---|---|---|---|---|---|
| **METHODS AND PROCEDURES FOR COMPLIANCE** | | | | 2. Taxiway Centerline (311a2) | | | |
| 1. Compliance with Advisory Circulars (139.7) | | | | 3. Taxiway Edge Markings (311a3) | | | |
| **EXEMPTIONS - NO. ON RECORD ( )** | | | | 4. Holding Position Markings (311a4) | | | |
| 1. Justification Still Valid (139.111) | | | | 5. ILS Critical Area Markings (311a5) | | | |
| **AIRPORT CERTIFICATION MANUAL** | | | | 6. Signs Identifying Taxiing Routes (311b1i) | | | |
| 1. Compliance with ACM (201a) | | | | 7. Holding Position Signs (311b1ii) | | | |
| 2. Preparation (201a) | | | | 8. ILS Critical Area Signs (311b1iii) | | | |
| 3. Content (203) | | | | 9. Signs internally illuminated (311b2) | | | |
| 4. Maintenance (201b) | | | | 10. Runway Lighting Meets Specifications (311c1) | | | |
| **RECORDS** | | | | 11. Taxiway Lighting/Reflectors (311c2) | | | |
| 1. Furnished upon Request (301a) | | | | 12. Airport Beacon (311c3) | | | |
| 2. Maintained for Specified Duration (301b) | | | | 13. Airport-owned Approach Lighting (311c4) | | | |
| **PERSONNEL** | | | | 14. Obstruction Marking/Lighting (311c5) | | | |
| 1. Sufficient Qualified Personnel (303a) | | | | 15. Markings/Signs/Lighting Properly Maintained (311d) | | | |
| 2. Properly Equipped (303b) | | | | 16. Other Lighting Shielded/Adjusted (311e) | | | |
| 3. Trained (303c) | | | | **SNOW AND ICE CONTROL** | | | |
| 4. Record of Training for 24 CCM (303d) | | | | 1. Prepare/Maint./Execute Plan (313a) | | | |
| 5. Use of an Independent Organization or Designee (303f) | | | | 2. Plan Addresses Prompt Removal or Control (313b1) | | | |
| **PAVED AREAS** | | | | 3. Plan Addresses Positioning Snow for Clearance (313b2) | | | |
| 1. Lips (305a1) | | | | 4. Plan Addresses Use of Approved Materials (313b3) | | | |
| 2. Holes (305a2) | | | | 5. Plan Addresses Timely Commencement (313b4) | | | |
| 3. Cracks/Surface Variations (305a3) | | | | 6. Plan Addresses Prompt Notification to Users (313b5) | | | |
| 4. Debris/Contaminants (305a4) | | | | **ARFF OPERATIONS (see Enhanced Checklist for a detailed list of inspection items)** | | | |
| 5. Chemical Solvent Removed (305a5) | | | | 1. ARFF Capability Meeting Index Provided During ACR OPNS (319a) | | | |
| 6. Drainage/Ponding (305a6) | | | | 2. ARFF Requirements Met for Increase in Index (319b) | | | |
| **SAFETY AREAS** | | | | 3. Reduction in ARFF Index Meets Conditions (319d) | | | |
| 1. Dimensions Maintained (309a) | | | | 4. Vehicle Communications in Required Vehicles (319e) | | | |
| 2. Ruts/Surface Variations (309b1) | | | | 5. Vehicle Marking & Lighting (319f) | | | |
| 3. Drainage (309b2) | | | | 6. Vehicle Readiness (319g) | | | |
| 4. Support Aircraft/Equipment (309b3) | | | | 7. Response Drill (No. Vehicles _____) (319h) | | | |
| 5. Objects in Safety Area/Frangible Mounting (309b4) | | | | 8. Personnel Properly Equipped (319i1) | | | |
| **MARKING, SIGNS, AND LIGHTING** | | | | 9. Personnel Properly Trained (319i2) | | | |
| 1. Runway Marking Meets Specs (311a1) | | | | 10. Live-Fire Drill Every 12 Consecutive Calendar Months for all Personnel (319i3) | | | |

* For Class IV Airports, indicate N/A for all items that are not applicable.

-

# AIRPORT CERTIFICATION/SAFETY INSPECTION CHECKLIST

| | | |
|---|---|---|
| Airport Name:<br>X | Associated City,<br>State: X | Site<br>No.: X |
| Certificate<br>Holder: X | Current ARFF Index (A-26) X | Airport Classification (Check)<br>Class I Class II Class III Class IV* |
| Inspector<br>: X | Inspection Dates: | S=Satisfactory U=Unsatisfactory<br>N/A = Not Applicable Remarks Required |

| | S | U | N/A | | S | U | N/A |
|---|---|---|---|---|---|---|---|
| 11. Personnel Trained and Current in Basic Emergency Medical Care Provided for ACR OPNS (319i4) | | | | 10. Full-Scale Exercise every 36 CCM for Class I Airports (325h) | | | |
| 12. Record of Training for 24 CCM (319i5) | | | | 11. Consistent with the Approved Security Program (325i) | | | |
| 13. Sufficient Personnel to Meet Requirements (319i6) | | | | **SELF-INSPECTION PROGRAM** | | | |
| 14. Alerting Procedures/Equipment Established (319i7) | | | | 1. Inspect Daily or As Required (327a1) | | | |
| 15. Hazardous Materials Guidance Available (319j) | | | | 2. Inspect when Required by Unusual Conditions; Accidents (327a2, 3) | | | |
| 16. Emergency Access Roads Maintained (319k) | | | | 3. Equipment Provided (327b1) | | | |
| **HAZARDOUS MATERIALS** | | | | 4. Procedures/Equipment for Dissemination of Information to Users (327b2) | | | |
| 1. Procedures for Hazardous Substances and Materials (321a) | | | | 5. Ensure Inspections Conducted by Qualified Personnel (327b3) | | | |
| 2. Acceptable Fire Safety Standards Established (321b) | | | | 6. Personnel Properly Trained (327b3) | | | |
| 3. Compliance to Fire Safety Standards (321c) | | | | 7. Reporting System to Ensure Prompt Correction of Unsafe Conditions, including Wildlife Strikes (327b4) | | | |
| 4. Inspection of Fuel Facilities every 3 CCM (321d) | | | | 8. 12 CCM of Records of Inspections Showing Conditions Found and all Corrective Actions (327c1) | | | |
| 5. Record of Inspection for 12 CCM (321d) | | | | 9. Record of Training for 24 CCM (327c2) | | | |
| 6. Fueling Agent Supervisor Training Every 24 CCM (321e1) | | | | **PEDESTRIANS AND GROUND VEHICLES** | | | |
| 7. Fueling Agent On-the-Job Training Every 24 CCM (321e2) | | | | 1. Limit Access Movement/Safety Areas (329a) | | | |
| 8. Written Confirmation Every 12 CCM that Training has been Accomplished (321f) | | | | 2. Establish/Implement Procedures for Safe Operations on Movement/Safety Areas (329b) | | | |
| 9. Require Immediate Corrective Action/Notify FAA of Noncompliance (321g) | | | | 3. Pedestrian and Vehicle Control with ATCT (329c) | | | |
| **TRAFFIC/WIND INDICATORS** | | | | 4. Pedestrian and Vehicle Control - No ATCT (329d) | | | |
| 1. Wind Cones Provided/Lighted (323a) | | | | 5. Pedestrian and Vehicle Operator Training on Airport Procedures & Consequences of Noncompliance (329e) | | | |
| 2. Segmented Circle, Landing Strip, and Traffic Pattern Indicators Provided When No ATCT (323b) | | | | 6. Record of Training for 24 CCM (329f1) | | | |
| **AIRPORT EMERGENCY PLAN** | | | | 7. 12 CCM of Records for Accidents or Incidents Involving Pedestrians, Ground Vehicles, or Aircraft .329 | | | |
| 1. Develop/Maintain Plan/Procedures for Prompt Response/Sufficient Detail (325a) | | | | **OBSTRUCTIONS** | | | |
| 2. Response Instructions Aircraft, Bomb, Structure, Fuel, Natural, Hazardous Materials, Sabotage/Hijack, Power, Water (325b) | | | | 1. Objects within Airport Authority Determined to be an Obstruction Removed, Marked, or Lighted (331) | | | |
| 3. Must Address Medical, Transportation, Hospital, Ambulance, Inventory, Injured, Crowds, Disabled Aircraft (325c) | | | | **PROTECTION OF NAVAIDS** | | | |
| 4. Provide for Marshaling, Emergency Alarm, Coordination of ATCT Functions (325d) | | | | 1. Prevent Construction that Would Derogate NAVAIDs or AT Facilities (333a) | | | |
| 5. Contains Procedures for Notifying Agencies of Accident Location & Other Information (325e) | | | | 2. Protect NAVAIDs from Vandalism and Theft (333b) | | | |
| 6. Contains Provisions for Water Rescue to the Extent Practical (325f) | | | | 3. Prevent NAVAIDs Signal Interruption (333c) | | | |
| 7. Coordinate & Develop Plan with Participating Agencies/Personnel (325g1, 2,) | | | | **PUBLIC PROTECTION** | | | |
| 8. Airport Personnel are Properly Trained (325g3) | | | | 1. Prevent Inadvertent Entry to Movement Area by Unauthorized Persons or Vehicles (335a1) | | | |
| 9. Review Plan every 12 CCM (325g4) | | | | 2. Reasonable Protection from ACFT Blast (335a2) | | | |

* For Class IV Airports, indicate N/A for all items that are not applicable.

# AIRPORT CERTIFICATION/SAFETY INSPECTION CHECKLIST

| | | |
|---|---|---|
| Airport Name: | Associated City, State: | Site No.: |
| Certificate Holder: | Current ARFF Index (A-26) | Airport Classification (Check)<br>Class I Class II Class III Class IV* |
| Inspector: | Inspection Dates: | S=Satisfactory U=Unsatisfactory<br>N/A = Not Applicable Remarks Required |

| | S | U | N/A | | S | U | N/A |
|---|---|---|---|---|---|---|---|
| **WILDLIFE HAZARD MANAGEMENT** | | | | **IDENTIFYING, MARKING, AND LIGHTING CONSTRUCTION AND OTHER UNSERVICABLE AREAS** | | | |
| 1. Immediate Measures Taken to Alleviate Wildlife Hazards when Detected (337a) | | | | 1. Mark/Light Construction/Unserviceable Areas & Equipment (341a1) | | | |
| 2. Provide for a Wildlife Hazard Assessment when Required (337b) | | | | 2. Pre-Construction Review of Utilities (341a2) | | | |
| 3. Wildlife Hazard Assessment Conducted by Qualified Personnel (337c) | | | | **NONCOMPLYING CONDITIONS** | | | |
| 4. Wildlife Hazard Assessment Contents (337c) | | | | 1. Limit ACR OPNS to Safe Areas when Uncorrected Unsafe Conditions Exist (343) | | | |
| 5. Wildlife Hazard Assessment Submitted to FAA (337d) | | | | **METHODS AND PROCEDURES FOR COMPLIANCE** | | | |
| 6. Wildlife Hazard Management Plan Formulated and Implemented when Required by FAA (337e) | | | | OTHER | | | |
| 7. Plan Addresses Required Contents (337f) | | | | | | | |
| 8.Plan Addresses Requirements for and, where applicable, copies of local, State, and Federal wildlife control permits. (337f3) | | | | | | | |
| 9. Procedures to Review and Evaluate the Plan every 12 CCM or as Required (337f6) | | | | | | | |
| 10. Airport Personnel Training Program by a Qualified Wildlife Biologist (337f7) | | | | | | | |
| **AIRPORT CONDITION REPORTING** | | | | | | | |
| 1. Collection/Dissemination of Airport Conditions (339a) | | | | | | | |
| 2. Use of NOTAM/Other Systems (339b) | | | | | | | |
| 3. Provide Information on Required Conditions (339c) | | | | | | | |
| 4. 12 CCM of Records of Each Dissemination (339d) | | | | | | | |

**Remarks - Narrative**

# APPENDIX H. AIRCRAFT RESCUE FIRE FIGHTING ENHANCED CHECKLIST

This is an expanded and fully encompassing ARFF checklist that inspectors can use or reference. While the specific Part 139 requirements are all required, how an inspector determines compliance can depend on a variety of factors, including but not limited to time, weather, other high risk areas found during the inspection, etc. An inspector may choose to investigate more deeply some areas of ARFF, like any other area of an airport inspection, depending upon previous discrepancies by the airport, level of risk, or initial findings (the ACSI may determine require further investigation). The purpose of this checklist is to provide the ACSI an expanded level of ARFF inspection guidance to use as a reference.

For ARFF training requirements, see Part 139.319 I (2) (i) through (xi) and 139.319 (3). See also NFPA publications 403, 1001, and 1403.

| Inspection Item | S | U | N/A |
|---|---|---|---|
| **ARFF CAPABILITY MEETING INDEX PROVIDED DURING AIRCRAFT OPERATIONS (319a)** | | | |
| 1. Verification of Class and Index of airport, prior to arrival, in the 5010, current copy of the ACM on file and information previously entered in CCMIS:<br>• Review CCMIS material, check 5010 data.<br>• Discuss the existing airline service and any expected changes to airline service to determine if the current ARFF Index is appropriate. | | | |
| 2. Vehicles at the airport ARFF match vehicles listed in ACM and CCMIS:<br>• Verify with 139.317 the vehicle and agent requirements for the Index associated with the airport.<br>• Verify vehicles meet Index. | | | |
| 3. ACM only lists what is required by Index.<br>• Additional capabilities can be put in the 5010 data if the airport wants to list more fire support than what is required for their Index. Airport XYZ is Index B but can provide Index C ARFF upon request. | | | |
| 4. Remission factor (315c)<br>• What aircraft actually use the airport?<br>• Does it match the listed Index of the Airport? | | | |
| **ARFF REQUIREMENTS MET FOR INCREASE IN INDEX (319b)** | | | |
| 1. Discussion about aircraft the airport is currently receiving and any expected aircraft that could cause them to increase their Index.<br>• The aircraft must be scheduled service.<br>• Discussion can occur during in-brief with the operations people.<br>• Verify they have the correct vehicles to meet index. | | | |
| 2. Equipment meets the increase in index.<br>• If the airport is getting aircraft of larger Index that will bump them up an Index, check provisions on increased capabilities. | | | |
| 3. ACM includes provisions to increase staffing for air carrier operations.<br>• Does the airport have a back-up vehicle in the event there is an increase in index?<br>• If no back up vehicle exists, do they have a Point of Contact to borrow or lease one? | | | |
| **REDUCTION IN ARFF INDEX MEETS CONDITIONS (319d)** | | | |
| 1. ACM includes provisions to reduce staffing for air carrier operations. | | | |
| 2. ACM identifies who has the authority to reduce the index requirement. | | | |
| 3. ACM includes recall procedures for the full aircraft rescue and firefighting capability. | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| 4. ACM explains an Index reduction must not be implemented unless:<br>• Notification to air carriers is provided in the Airport/Facility Directory or Notices to Airmen (NOTAM) and<br>• Local air carriers are notified directly. | | | |
| **VEHICLE COMMUNICATIONS IN REQUIRED VEHICLES (319e)** | | | |
| 1. Vehicle communication capability. | | | |
| 2. Radios work.<br>• Mobile base station<br>• Portable radio | | | |
| 3. Vehicles have contact with the following:<br>• ARFF drivers are familiar with all of the radio frequencies,<br>• All other required emergency vehicles,<br>• The air traffic control tower,<br>• The common traffic advisory frequency (CTAF) when an air traffic control tower is not in operation or there is no air traffic control tower, and<br>• Fire stations, as specified in the airport emergency plan. | | | |
| **VEHICLE MARKING & LIGHTING (319f)** | | | |
| 1. Vehicles have a flashing or rotating beacon. | | | |
| 2. Vehicle colors enhance contrast with the background environment optimize daytime and nighttime visibility and identification.<br>• AIP-funded ARFF vehicles must be painted in accordance with current Advisory Circular 150/5210-5. | | | |
| 3. Vehicles markings and paint contrasts with background and optimizes nighttime visibility | | | |
| **VEHICLE READINESS (319g)** | | | |
| 1. Review of daily and monthly ARFF vehicle checklists shows ARFF vehicles are fixed in a timely manner | | | |
| 2. If the airport is located in a geographical area subject to prolonged temperatures below 33 degrees Fahrenheit, vehicles have cover or other means to ensure equipment operation and discharge under freezing conditions. | | | |
| 3. All required vehicle(s) designed systems work as designed to the day it showed up<br>• All components: turret(s), Drivers Enhanced Vision System (DEVS), Forward Looking Infra-Red System (FLIRS), dry chemical system<br>• A demonstration of the discharge of the agents not used in the response drill (except Halon) must be conducted (*where not prohibited by regulation*) for the required index response vehicle(s) before the conclusion of the inspection to ensure the adequate capability. | | | |
| 4. If vehicle becomes inoperative, it is replaced immediately with one of equal capabilities. | | | |
| 5. If another ARFF vehicle is not available\and Index is not restored within 48 hours:<br>• Was ADO notified in accordance with §139.339?<br>• Was each air carrier notified in accordance with §139.339? | | | |
| 6. Index capability restored within 48 hours<br>• If not, was the Index reduced in accordance with available ARFF vehicle capabilities?<br>• Check NOTAMs.<br>• If it is an Index A airport, the airport must - issue a NOTAM to indicate the runway is closed to air carrier operations because no ARFF support is available. | | | |
| **RESPONSE DRILL (NO. VEHICLES) (319h)** | | | |
| 1. Verification of Index of the airport. | | | |
| 2. ACM indicates number of vehicles used to meet Index for response. | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| 3. Vehicle(s) responding meet Index requirements. | | | |
| 4. Within 3 minutes from the time of the alarm, at least one required aircraft rescue and firefighting vehicle reaches the midpoint of the farthest runway serving air carrier aircraft from its assigned post or reaches any other specified point of comparable distance on the movement area that is available to air carriers, and begins application of extinguishing agent.<br>• The ACSI may conduct the ARFF response from the ATCT, ARFF station or from the airfield. Riding along in an ARFF vehicle provides the added benefit of assessing the driver's proficiency and radio communication skills.<br>• The drill may be conducted during daylight or darkness.<br>• If there is major construction on the airfield resulting in closed pavement that will impact ARFF response routes, check to see if ARFF personnel are aware of the closed areas and have planned alternate response route. | | | |
| 5. Within 4 minutes from the time of alarm, all other required vehicles reach the midpoint of the farthest runway serving air carrier aircraft from their assigned posts and begin application of an extinguishing agent. | | | |
| 6. Index-required vehicle(s) discharges, at minimum, water during drill.<br>• A demonstration of the discharge of the agents not used in the response drill (except Halon) must be conducted for the required Index response vehicle(s) before the conclusion of the inspection to ensure the adequate capability. | | | |
| **PERSONNEL PROPERLY EQUIPPED (319i1)** | | | |
| 1. Personal Protective Equipment (PPE) Ensemble<br>• Jacket & trouser with lining<br>• Gloves<br>• Nomex hood<br>• Helmet w/ face shield<br>• Self-Contained Breathing Apparatus (SCBA) –air pack, bottle, regulator & hoses, face mask w/ head harness, Personal Alert Safety System (PASS) | | | |
| 2. Vehicle Equipment<br>• May differ from airport to airport.<br>• What does the airport say they will do and accomplish what they say they will do? Response should include a list of tools that should be on the vehicles.<br>• Equipment will depend on mission requirements found in the ACM (all ARFF vehicles will be equipped with _____?).<br>• Common items may include:<br>  ○ One ground ladder that meets the requirements of NFPA 1931<br>  ○ One section of hose of minimum 63.5 mm (2½ in.) diameter for tank fill<br>  ○ Appropriate spanner wrenches for the fittings on the vehicle<br>  ○ One hydrant wrench or other wrench necessary to activate the local water supply<br>  ○ Spare SCBA bottle<br>  ○ Skin penetrator/agent applicator<br>  ○ Appropriate wheel chocks<br>  ○ 100 ft. of utility rope<br>  ○ Two axes, non-wedge type<br>  ○ Fire-resistant blanket<br>  ○ Bolt cutters, minimum 24 in.<br>  ○ Multipurpose, forcible entry tool<br>  ○ Intrinsically safe hand light<br>  ○ Two harness cutting tools<br>  ○ Hook, grab, or salvage tool<br>  ○ First aid kit<br>  ○ 4 lb. hammer<br>  ○ Rescue power saw<br>  ○ Hydraulic rescue tools<br>  ○ Air chisel<br>  ○ Prying tools | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| **PERSONNEL PROPERLY TRAINED (319i2)** | | | |
| 1. Review of training plan and comparison to 139.319 (i)(2)<br>• Refer to AC 150/5210-17.<br>• Smaller airports might not have a detailed training program.<br>• Should include all 11 subjects from 139.319.<br>• Airport should use a training schedule that tracks what to teach and when it is due.<br>• Check 100% of training records.<br>• While not listed in 139.319, Surface Movement Guidance Control System (SMGCS) Plan training should be included in the ARFF training program if the airport has a SMGCS system. | | | |
| 2. Airport keeps a training record.<br>• Paper or electronic.<br>• Is there a copy of the sign-in sheet? If so, spot check.<br>• New hires that have not completed their initial training can ride on the vehicles, but may not be considered one of the personnel on the duty roster for sufficient and qualified. | | | |
| 3. Ensure the curriculum for initial and recurrent training includes at least the following areas:<br>• Airport familiarization, including airport signs, marking, and lighting<br>  ○ Local airport item in addition to generalization at a training facility<br>• Aircraft familiarization<br>  ○ This should include not only passenger aircraft, but also cargo and GA aircraft.<br>  ○ Local item in addition to what is taught at a training facility<br>• Rescue and firefighting personnel safety<br>• Emergency communications systems on the airport, including fire alarms<br>  ○ Local item in addition to what is taught at a training facility<br>• Use of the fire hoses, nozzles, turrets, and other appliances required for compliance with this part<br>  ○ Check vehicle training program covers all indexed vehicles.<br>• Application of the types of extinguishing agents required for compliance with this part<br>• Emergency aircraft evacuation assistance<br>• Firefighting operations<br>• Adapting and using structural rescue and firefighting equipment for aircraft rescue and firefighting<br>  ○ A lot of the equipment is the same for structural and ARFF. How are they adapting the equipment for use with aircraft?<br>• Aircraft cargo hazards, including hazardous materials/dangerous goods incidents<br>• Familiarization with firefighters' duties under the airport emergency plan | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| **LIVE-FIRE DRILL EVERY 12 CONSECUTIVE CALENDAR MONTHS (CCM) FOR ALL PERSONNEL (319i3)** | | | |
| 1. Live-fire training for all required personnel within 12 CCM<br>• An acceptable live-fire drill consists of fighting a fire from the position in which the firefighter would be expected to perform. For example, for the firefighter who normally operates the handline, handline training is part of the annual requirement. For the driver/operator who normally operates the turrets of the ARFF vehicle, it would be preferable that the firefighter meet the annual requirement utilizing the vehicle turrets.<br>• Many training programs have all participants working the handlines, and it would be acceptable for the driver/operator to meet the annual requirement by training on the handline.<br>• It would not be acceptable for a handline firefighter to use training on the turrets to meet the annual requirement.<br>• Recommended each individual fight the following fires at a minimum:<br>  ○ An interior fire<br>  ○ An engine fire<br>  ▪ Under wing<br>  ▪ Tail pipe<br>  ○ An APU fire<br>  ○ A wheel well fire<br>  ○ Ground pool fire | | | |
| **PERSONNEL TRAINED AND CURRENT IN BASIC EMERGENCY MEDICAL CARE PROVIDED FOR ACR OPNS (319i4)** | | | |
| 1. At least one individual, who has been trained and is current in basic emergency medical services, is available during air carrier operations.<br>• This individual must be trained prior to initial performance of emergency medical services. | | | |
| 2. Training at least 40 hours in length and covering the following topics:<br>• Bleeding<br>• Cardiopulmonary resuscitation<br>• Shock<br>• Primary patient survey<br>• Injuries to the skull, spine, chest, and extremities<br>• Internal injuries<br>• Moving patients<br>• Burns<br>• Triage | | | |
| 2. Training described in the ACM | | | |
| 3. It does not have to be an ARFF person<br>• Check individuals certification and expiration date.<br>• Are they trained to EMT or higher?<br>• Is there a recurrent training program in place for the ARFF personnel | | | |
| 4. ACM identifies names of personnel trained and current in basic emergency medical care | | | |
| 5. ACM identifies means of contacting personnel trained and current in basic emergency medical care | | | |
| 6. ACM explains how personnel trained and current in basic emergency medical care are responding and where they are responding from? | | | |
| 7. Backup is identified in the event the first call is busy? | | | |
| 8. Personnel trained and current in basic emergency medical care responds in a reasonable amount of time<br>• ACSI makes the determination.<br>• What is the distance?<br>• Try a test run. | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| **RECORD OF TRAINING FOR 24 CCM (319i5)** | | | |
| 1. Records maintained for all firefighters, whether currently working at the airport or no longer with the airport fire department, for 24 CCM.<br>• Records can be electronic or paper.<br>• Review ALL training records.<br>• Look at the individual training record for each firefighter (training jacket, individual paper that firefighter or form which is in AC or monthly according to class)<br>• There is not a minimum amount of hours recommended | | | |
| 2. Required training has been completed in 12 CCM<br>• Example of training sheet<br>  ○ Student name<br>  ○ Date of training<br>  ▪ Subject and methodology (synopsis of what was covered)<br>  ○ Duration of class<br>  ○ Instructor's comments<br>  ○ Tools or equipment used in the class<br>  ○ Performance and evaluation<br>  ○ Instructor's name<br>  ○ Instructor's signature<br>• Check to see if hours of class actually meet hours of training (one hour of training listed on sheet, but the three subjects each list one hour of training for each. You can have three hours in three different classes for one hour on the clock.) | | | |
| **SUFFICIENT PERSONNEL TO MEET REQUIREMENTS (319i6)** | | | |
| 1. Sufficient rescue and firefighting personnel are available during all air carrier operations to operate the vehicles, meet the response times, and meet the minimum agent discharge rates required by 139.317.<br>• ACM could also provide a specific number of personnel assigned to each vehicle and/or how many firefighters will respond.<br>  ○ If a local exemption been given for a specific item, it must be written and MUST be part of the ACM. There is a five-year relief from requirement you are seeking relief from.<br>• There should be enough firefighters to drive and operate the vehicle as it was designed.<br>• Check for additional duties listed in the ACM that would require extra staffing.<br>• Confirm through training records review that firefighter was qualified prior to being assigned to the shift.<br>  ○ If the individual missed training and was not assigned to a shift, then there was no discrepancy.<br>• Both training and staffing components are needed support sufficient and qualified determination. | | | |
| **ALERTING PROCEDURES / EQUIPMENT ESTABLISHED (319i7)** | | | |
| 1. Procedures for alerting ARFF personnel in the event of an accident or incident<br>• Are they accurate and valid? | | | |
| 2. Towered airports use–<br>• Siren,<br>• alarm,<br>• direct ring down phone, or<br>• radio (secondary means of communication)? | | | |

| Inspection Item | S | U | N/A |
|---|---|---|---|
| 3. Non-towered provides of means of notification (911, siren, etc.) and has a procedure in place to notify the ARFF of the incident.<br>• Check for unnecessary links in the alerting process that could delay a response test. For example, if the ATCT notifies the city emergency communications center, who then notifies the ARFF station? There could be a delay in the response time that the ACSI would not be aware of. In these situations, the ACSI should consider conducting the response test while on the phone with the ATCT controller so the ACSI will know the exact time the alert is initiated from the ATCT. | | | |
| **HAZARDOUS MATERIALS GUIDANCE AVAILABLE (319j)** | | | |
| 1. Each aircraft rescue and firefighting vehicle responding to an emergency on the airport is equipped with, or has available through a direct communications link, the "North American Emergency Response Guidebook" (ERG), published by the U.S. Department of Transportation or similar response guidance to hazardous materials/dangerous goods incidents<br>• Do the firefighters know how the ERG will be accessed?<br>• ERG training should be a part of the training syllabus.<br>• Information is available on ARFF Web page to obtain the ERG. | | | |
| **EMERGENCY ACCESS ROADS MAINTAINED (319k)** | | | |
| 1. ACM identifies road(s) designated as emergency access roads.<br>• If no emergency access roads are designated, then the airport has none. | | | |
| 2. Emergency access roads are part of the Snow and Ice Plan and listed as a Priority 1<br>• If federal funds were used to build emergency access roads, especially for ARFF, then it must be listed as an emergency access road and maintained. | | | |

# APPENDIX I. INSPECTION CLOSEOUT LETTER

(Date)

Mr./Ms. (Name)
(Title)
(Airport)
(Street Address)
(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport) (City, State)

Annual Certification Inspection Closeout

The (periodic/surveillance) certification inspection of (Airport) was conducted on (Date). The inspection revealed the airport is being operated in compliance with 14 CFR Part 139, the Airport Certification Manual, and the Airport Operating Certificate.

We commend you for the procedures you are using in the day-to-day operation of the airport. The appearance of the airport indicates they are effective.

Thank you for your cooperation during the inspection, and please do not hesitate to call if you have questions regarding the operational safety of the airport.

Sincerely,

(ACSI's Name)

Airport Certification Safety Inspector

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# APPENDIX J. SAMPLE WARNING LETTER

(Date)

File Number: (EIR Number)

Mr./Ms. (Name)

(Title)

(Airport)

(Street Address)

(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport)

(City, State)

**Warning Letter**

14 Code of Federal Regulations (CFR) Part 139 Violation

At 2:55 p.m., April 25, 2006, the Air Traffic Control Tower (ATCT) observed an Aircraft Rescue and Firefighting (ARFF) vehicle proceed across Runway 30R without ATCT authorization.

Investigation of the matter revealed the operator of the vehicle crossed Runway 30R without ATCT authorization because of his failure to monitor communications with the ATCT. This situation is contrary to Section 139.329 (e) of 14 CFR Part 139, which states in part, "...each employee, tenant, or contractor is trained on procedures required under paragraph (b) of this section..." and Section 139.203, which states that "....each holder of an airport Operating Certificate must include in the Airport Certification Manual...." and includes element 22.

It is imperative that all personnel authorized to operate a ground vehicle on movement areas be thoroughly indoctrinated with the airport procedures for safe and orderly operation of a ground vehicle on the movement areas.

In closing this case, we have given consideration to all available facts and have concluded the matter does not warrant legal enforcement. In lieu of such action, we are issuing this letter, which will be made a matter of record.

We have determined airport management has taken appropriate action against the ARFF vehicle operator, through reprimand and mandatory retraining. We will expect your future compliance with the regulations.

Sincerely,

(Manager's Name)

Manager, Regional Airports Division

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# APPENDIX K. COMPLIANCE LETTER

See following pages.

## K.1 Sample Compliance Letter (Long Format)

The following is a sample Compliance Letter using this format. It was prepared for Plainview Municipal Airport, using the analysis of discrepancies in Section 1 of Appendix.

**********

May 12, 2016

EIR Number: 2016CE1200005

Mr. Airport Manager Airport Manager

Plainview Municipal Airport 2790 Airport Blvd.

Plainview, IA 50704

Dear Mr. Airport Manager:

**Compliance Letter**

From (dates), the Federal Aviation Administration inspected your airport's organization, systems, facilities, and procedures for compliance with 14 C.F.R. part 139. At the end of that inspection, we advised you of the following findings:

**1. 139.311 (c) – Marking, Signs, and Lighting**

Taxiway lights at the intersection of Bravo and Alpha are not located in accordance with FAA standards specified in AC 150/5340-30, *Design and Installation Details for Airport Visual Aids.* Three taxiway lights on the radius of Taxiway Bravo must be relocated to not more than 10 feet from pavement edge.

Correction Date: August 15, 2016

**2. 139.311 (d) – Marking, Signs, and Lighting**

Three light fixtures along Taxiway Alpha had broken globes. This is an indication that lighting is not properly maintained. These globes must be replaced as soon as possible.

Correction Date: May 30, 2016

**3. 139.201 (b) – General Requirements**

The ACM requires that taxiway markings be in accordance with the FAA standards specified in AC 150/5340-1, *Standards for Airport Markings.* Taxiway centerlines on all taxiways were recently repainted at a 4-inch width. In addition, the double yellow lines for the taxiway edge markings at the Taxiway D and Taxiway C intersection are 4 inches wide. These markings must be repainted to 6 inches wide to meet standards in AC 150/5340-1.

Correction Date: June 30, 2016

**4. 139.311 (a) – Marking, Signs, and Lighting**

Some of the Runway 13-31 centerline markings are obscured by rubber deposits in the touchdown areas and are not clearly visible. These markings must be repainted.

Correction Date: June 30, 2016

**5. 139.321 (c) – Handling and Storing of Hazardous Substances and Materials**

The certificate holder has failed to require Acme Aviation to comply with the following airport fire safety standards for fuel storage areas:

Grass in the Jet A and 100LL storage areas might contribute to the spread of fire and must be removed.

Correction Date: May 30, 2016

**6. 139.321 (c) – Handling and Storing of Hazardous Substances and Materials**

The certificate holder has failed to require Acme Aviation to comply with the following airport fire safety standards for mobile fuelers:

A "Flammable" sign on the right side of the Jet A mobile fueler has faded sufficiently so as to require replacement and must be replaced.

Correction Date: May 30, 2016

**7. 139.339 (c) (6) – Airport Condition Reporting**

A review of self-inspection checklists and NOTAM records revealed that NOTAMs were not issued for significant lighting outages caused by lightning strikes during the period from late June 2015 through mid-July 2015. Personnel responsible should be instructed to issue appropriate NOTAMs in the future.

Correction Date: May 30, 2016

We have given consideration to all available facts and concluded this matter does not warrant legal enforcement action. In lieu of such action, we are issuing this letter, which will be made a matter of record. Please advise (Name of FAA contact) at (FAA office, Region, and address) by return of this letter when the discrepancies are corrected no later than 15 days after the correction date. If you are unable to meet these dates, please notify me as soon as possible.

Sincerely,

(ACSI's Name)

Airport Certification Safety Inspector Attachment

**RECOMMENDATIONS/COMMENTS**

**AIRPORT CERTIFICATION INSPECTION**

**Plainview Municipal Airport**

**May 12, 2006**

The following recommendations/comments are provided as a result of the Airport Certification Inspection:

**Recommendation** – Membership in the ARFF Working Group would provide a means for obtaining additional resources for ARFF training. Information on the ARFF Working Group and membership is enclosed.

**Recommendation** – Thick brush in a drainage area between Runway 13-31 and Taxiway Charlie might attract deer. As discussed during the inspection, this brush was previously removed 3 years ago; however, it has grown back and presents a wildlife attractant, which could create a hazard.

## APPENDIX L. LETTER ACKNOWLEDGING COMPLETION OF CORRECTIVE ACTION

(Date)

Mr./Ms. (Name) (Title)

(Airport)

(Street Address)

(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport) (City, State)

14 Code of Federal Regulations (CFR) Part 139 Discrepancy Closeout

In reference to the Compliance Letter issued on (Date of Compliance Letter), you indicated the discrepancy to 14 CFR Part 139 was corrected by (Date Corrected). We commend you for the expeditious correction of this discrepancy.

You may consider this letter official notification that the discrepancy to 14 CFR Part 139, identified during the periodic/surveillance certification inspection is closed.

Thank you for your cooperation.

Sincerely,

(ACSI's Name)
Airport Certification Safety Inspector

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## APPENDIX M. LETTER OF INVESTIGATION

**THIS LETTER IS SENT BY CERTIFIED MAIL**

(Date)

File Number: (EIR Number)

Mr./Ms. (Name)

(Title)

(Airport)

(Street Address)

(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport)

(City, State)

Letter of Investigation

This letter is in reference to a reported (Specify incident) at your airport on (Date). Information reported to our office indicates that (Short description of incident).

This (Specify incident) appears to be a violation of Part 139 of the Federal Aviation Regulations.

This letter is to inform you that this incident is under investigation by the Federal Aviation Administration. We offer you an opportunity to submit a written statement on this matter. If you desire to do this, you should submit the statement, postmarked within 10 days following receipt of this letter. Your statement should contain all pertinent facts and any extenuating or mitigating circumstances that you feel might have a bearing on this incident from an airport-related viewpoint.

If we do not hear from you within the specified time, our report on this matter will be processed for action without the benefit of your statement.

Sincerely,

(ACSI's Name)
Airport Certification Safety Specialist

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# APPENDIX N. INVESTIGATION CLOSEOUT LETTER

(Date)

File Number: (EIR Number)

Mr./Ms. (Name)

(Title)

(Airport)

(Street Address)

(City, State ZIP)

Dear Mr./Ms. (Name):

(Airport)

(City, State)

Closing of Investigation

Federal Aviation Regulation (14 CFR) Part 139

On (Date), we advised you that the Federal Aviation Administration was investigating an incident that reportedly involved (Brief description of incident).

This letter is to inform you that the investigation of this incident, which occurred on (Date of incident), has not established a violation of 14 CFR Part 139. You may consider the matter closed as it relates to Part 139.

Sincerely,

(ACSI's Name)
Airport Certification Safety Specialist

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