

Airport Services Newsletter

In this issue of the Airport Services Newsletter, we discuss rulemaking activity, guidance documents, and policy statements recently published by the FAA Office of Airports that are of interest to airports and airport service providers.

FAA Issues Final Rule on Certification of Airports

Last month, FAA issued a final rule amending 14 CFR Part 139 regarding [Certification of Airports](#). The changes are designed to clarify the applicability language and ensure the reliability of records maintained by a certificate holder and reviewed by the FAA.

This final rule will:

- Clarify that the applicability of part 139 is based only on passenger seats in passenger-carrying operations, as determined by either the regulations or the aircraft type certificate (§ 139.1);
- Add a new § 139.115 that prohibits fraudulent or intentionally false statements concerning an airport operating certificate (AOC);
- Amend language in § 139.303 and § 139.329 for consistency, or to codify existing industry practice; and
- Amend the definition of joint-use airport in § 139.5 to correspond with statutory authority.

The effective date of the Final Rule is **March 18, 2013**.

FAA Issues Statement on Airports SMS Rulemaking

[Last month](#), the FAA issued a statement further clarifying the status of Airports SMS Rulemaking. The December 2012 [Report on DOT Significant Rulemakings](#) amends the next stage for the [Airport Safety Management System \(SMS\) rulemaking](#). Specifically, the FAA is evaluating several options for SMS at various classes of Part 139 certificated airports to improve the implement ability of SMS. The FAA also is considering changes to SMS implementation and some SMS elements to reduce the burden on an airport implementing SMS. Over 30 certificated airports are already developing and implementing SMS. The FAA encourages all certificated airports to voluntarily develop an SMS. The FAA will continue to make AIP funds available to commercial airport sponsors for eligible airport SMS-related costs. The SNPRM is expected to be published by December 9, 2013, with a 60-day comment period. FAA action is statutorily required within 16 months of the close of the comment period.

FAA Issues Draft Guidance for Comment

The FAA Office of Airports has published the following guidance documents for comment:

[Draft FAA Order 5100-38D](#), **Airport Improvement Program Handbook**, includes guidance to FAA staff about the administration of the Airport Improvement Program (AIP). While FAA Orders are intended for use by FAA employees, this Order is widely used by airports, airport consultants, and others involved with the AIP, so the FAA is seeking public comment before finalizing the document. The revised draft includes updated information that reflects current legislation and policy. The order has been streamlined and where there is a more appropriate source of guidance (such as in other orders or advisory circulars), the guidance in the Handbook has been deleted and appropriate references provided, including deleting guidance on airport planning, capital planning, labor rates, and civil rights. This version of the Handbook was rewritten to clearly differentiate what is required by law and policy; to incorporate program guidance letters issued prior to July 30, 2012; and to incorporate legislation from the FAA Modernization and Reform Act of 2012. Comments on Draft Order 5100-38D are due **on or before March 15, 2013**.

[Draft AC 150/5345-7F](#), **Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits**, describes the specifications for L-824 underground electrical cable for airport lighting circuits. The draft replaces FAA Standard 013, Quality Control Program Requirements, with ANSI/ISO 9001, Quality Management Systems – Requirements, updates all references to latest revisions, and updates all internet links for obtaining publications. Comments on Draft AC150/5345-7F are **due on or before March 15, 2013**.

Update on Clarification of Wildlife Hazard Management Requirements for Non-Certificated Federally Obligated Airports in the NPIAS

On [December 10, 2012](#), FAA published a Proposed Clarification of Airport Improvement Program Grant Assurances to clarify the FAA's interpretation of 49 U.S.C. 47107(a)(19) and the corollary Grant Assurance No. 19, relating to airport operations and maintenance. The FAA extended the comment deadline to [January 31, 2013](#). FAA will consider comments received on the proposed interpretation of the existing grant assurances and may adopt revisions resulting from comments as of the date of a subsequent Notice in the Federal Register. We will continue to monitor developments regarding wildlife hazard management requirements.

If you have any questions about the Office of Airports recent rulemaking activity or draft guidance documents or if you would like assistance in the preparation or submission of comments, please contact our office.

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