

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.

Update on Contract Towers

Earlier this month, the Transportation Secretary Ray LaHood [announced](#) that, as a result of the recently enacted Reducing Flight Delays Act of 2013, the FAA could end employee furloughs and keep the 149 low activity contract towers originally slated for closure in June open for the remainder of fiscal year 2013. In addition, the FAA will apply \$10 million towards reducing cuts and delays in core NextGen programs and approximately \$11 million to partially restore the infrastructure of the national airspace system.

CertAlert: Coordination of High Risk Flight Test Activities at Airports

Earlier this month, the FAA issued [recommendations](#) encouraging airport operators to maintain awareness of high risk flight test activities conducted on their airports and to adequately coordinate with flight test operators for such activities. The FAA made the following three (3) recommendations:

- (1) Airport operators should be aware of, and coordinate with, flight test operators for scheduling high risk flight test activities at their airport.
- (2) Airport operators should coordinate in a mutually beneficial manner the provision of aircraft rescue and fire fighting (ARFF) services.
- (3) The primary ARFF mission should always remain in accordance with the requirements stated in 14 CFR Part 139. However, airport operators should make efforts to coordinate the scheduling of high risk flight activities when ARFF is available and at times when these activities will not interfere with air carrier operations or place an additional burden on ARFF.

CertAlert: Final Rule: Safety Enhancements, Certification of Airports (78 FR 3311)

On March 15, 2013, the FAA issued a [Final Rule](#) on Safety Enhancements to Part 139. The Final Rule adopts the current industry practice requiring annual driver's training for all personnel with access to the movement area. However, the Final Rule did not adopt the portions of the Notice of Proposed Rulemaking, dated February 1, 2011, on Surface Movement Guidance and Control Systems (SMGCS), Non-Movement Area Safety Training and Runway Pavement Surface Evaluation. Finally, the Final Rule clarified language in Part 139.1 that the regulation is based only on passenger seats in passenger-carrying operations determined by regulations or the aircraft type certificate.

As a result of the Final Rule, airport operators must:

- Review the changes to Part 139 with airport staff that have responsibilities in the airport certification program and ACM.

- Review pedestrian/ground vehicle training programs to ensure that all persons who are authorized to operate on the movement area or safety area without an escort are properly trained at least once every 12 consecutive calendar months. If persons are escorted by trained individuals they do not require training; however, the escort is responsible for ensuring safe movement at all times.
- If not already included in the ACM, airport operators of Class IV airports must add a new section to their ACM addressing Pedestrian and Ground Vehicles in accordance with Part 139.329.
- Change the language in Sections 139.303 and 139.329 as revised in the new rule.
- Consider revising their ACM to add a new Section 139.115 (falsification, reproduction, or alteration of applications, certificates, reports, or records) to ensure that airport personnel are aware of the new Part 139 requirement.

Draft Airport Improvement Program (AIP) Handbook: Order 5100.38D

In January of this year, the FAA published a [draft Airport Improvement Program Handbook](#), Order 5100.38D. The Handbook provides guidance and sets forth policy and procedures for use in the administration of the Airport Improvement Program (AIP). Although FAA Orders are intended for use by FAA employees, the Handbook is widely used by airports, airport consultants, and others involved with the AIP. Therefore, the FAA accepted public comment on the draft Handbook through March 18, 2013. The FAA received a number of public comments on the draft Handbook, which can be reviewed at http://www.faa.gov/airports/aip/draft_aip_handbook/media/draftAIPHandbookComments2013.pdf.

Operating Limitations at New York Area Airports

Last week, the FAA issued three (3) Notices of Extension to Order, as set forth below, affecting operating limitations at [LaGuardia Airport \(LGA\)](#), [John F. Kennedy International Airport \(JFK\)](#), and [Newark Liberty International Airport \(EWR\)](#). For years, the FAA limited the number of arrivals and departures at LGA and JFK during the peak afternoon demand period through implementation of the High Density Rule (HDR). By statute enacted in April 2000, the HDR's applicability to JFK and LGA operations terminated as of January 1, 2007. The increase in operations caused congestion and delays, which negatively affected the National Airspace System (NAS). To mitigate those delays, the FAA placed temporary limits on operations at JFK and LGA – as well as at EWR which has become one of the most delay-prone airports in the country – while it developed a long-term rule that would limit the number of operations at these airports. The FAA is currently engaged in an effort to implement a long-term rule at LGA, JFK, and EWR and is developing a notice of proposed rulemaking for Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport. The FAA cannot predict when that Rule will be ready and so it is extending the Orders limiting operations at these New York area airports.

The Orders each extend the respective Order Limited Operations at each airport until the file Rule on Slot Management and Transparency for LGA, JFK, and EWR becomes effective but not later than October 24, 2014. Under the Orders, as amended, the FAA:

- (1) maintains the current hourly limits on scheduled operations at LGA, JFK, and EWR, and unscheduled operations at LGA, during the peak period;

- (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs) with defined exceptions;
- (3) provides a mechanism for withdrawal of OAs for FAA operational reasons;
- (4) establishes procedures to allocate withdrawn, surrendered, or unallocated OAs; and
- (5) allows for trades and leases of OAs for consideration for the duration of the Order.

FAA Issues Draft Guidance for Comment

This month, the FAA Office of Airports has published the following guidance documents for comment:

- [Draft AC 150/5320-5D, Airport Drainage Design](#), which provides guidance about the design and construction of airport surface storm drainage systems and subsurface drainage systems for paved runways, taxiways, and aprons. Among the topics it addresses are grading, erosion and sediment control, underdrains, water quality and quantity control, and storm sewers. The FAA has also released a [comments matrix](#), which it is asking industry to use when submitting comments about the Draft Advisory Circular (Draft AC). **Comments must be submitted no later than June 7, 2013.**
- [Draft AC 150/5340-5D, Segmented Circle Airport Marker System](#), which sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices. **Comments must be submitted no later than June 14, 2013.**
- [Draft AC 150/5345-27E, Specification for Wind Cone Assemblies](#), which contains a specification for wind cone assemblies to be used to provide wind information to pilots. **Comments must be submitted no later than June 26, 2013.**
- [Draft AC 150/5395-1A, Seaplane Bases](#), which provides guidance to assist operators in planning, designing, and constructing seaplane bases and associated facilities. **Comments must be submitted no later than July 9, 2013.**
- [Draft AC 150/5300-14C, Design of Aircraft Deicing Facilities](#), which provides standards, specifications, and guidance for designing aircraft deicing facilities. **Comments must be submitted no later than July 9, 2013.**

FAA Launches Second Phase of GA Airports Study

Earlier this year, the FAA launched the [second phase](#) of its general aviation (GA) study issued last spring, *General Aviation Airports: A National Asset*, to further define the role of GA airports. In the first phase, the FAA identified four categories of general aviation airports: national, regional, local, and basic. While completing the study, however, the FAA determined that more than 497 airports did not fit clearly into any of these categories. Therefore, the FAA is working with airport sponsors, state aeronautic divisions, and industry to gather additional information on these airports. Categorizing these airports is a critical tool for the FAA and state aeronautical agencies to make more consistent planning decisions for the nation's GA airports.

Notice to Users of Airports IDLE and SMS Training

Earlier this month, the FAA announced that [Airports IDLE](#) and [SMS training](#) will be suspended from June 16 - July 16, 2013 due to course maintenance. If you are enrolled in any Airports IDLE or SMS training, please complete all courses by June 16, 2013 to avoid any loss of work. If users do not complete training by June 16, 2013, they must begin the training from the start of the course and will not be able to resume partially completed course work. The FAA expects all courses to be available on July 16, 2013.

Please contact our office 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.

Lisa A. Harig, Esq.
McBreen & Kopko
1501 Lee Highway, Suite 180
Arlington, Virginia 22209
lhurig@mklawdc.com
Tel: +1 703 247 5487
www.mcbreenkopko.com