AAAWE WEBINAR

SMS: WHAT AIRPORTS NEED TO KNOW NOW

August 18, 2016

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Status update

- SMS for air carriers
- SMS for FAA ATO (internal)
- SMS for FAA Airports (internal)
- SMS for airport proprietors
  - Proposal (2010)
  - Revised proposal (2016)
  - Probable implementation (2017)
Reality Check

- SMS for airports is coming
- Proposal is just that – think *productively* how to make the requirements better, easier, more practical (*not how to oppose the proposal!*)
- We are all learning this together – *including FAA*
- Comments:
  - AAAE, ACI-NA preparing comments
  - *Comments by individual airport sponsors are critical* (what is unique about your airport environment)
  - Due September 12 – *no extension of time*
Revisions since 2010

- About half of Part 139 airports (268 airports)
  - Small, medium, large hubs
  - CBP qualified
  - Over 100,000 annual ops
- Revised implementation schedule
  - 12 months for implementation plan
  - 24 months to implement
- Reduced training requirement
New Regulatory Framework

- Regulation by objective vs. prescriptive regulation: new territory and approach for FAA inspectors
- Beyond scope of existing Part 139 responsibilities (non-movement areas)
- Increased proprietor *proactive* responsibility on airfield (especially non-movement areas)
- (Perhaps) new standard of care for liability purposes
Issues to Consider - Liability

- Standard of care now varies state-to-state
  - SMS may create a new, uniform approach to standard of care
- Check state law immunity
- Risk matrix (disclosure, ranking of risks)
- Liability for safety on leaseholds (proprietor acceptance of responsibility)
- Personal liability of “Accountable Executive”
- Self reporting (no immunity?)
Issues to Consider - Coordination

- “Interoperability” with carriers, FAA staff
- Coordination with airfield users
  - Tenants
  - Contractors
  - Employees of third parties
- Data interconnection with carriers, ATC
Coordination is not optional.
Issues to Consider - Personnel

- Accountable Executive: top-down approach
  - Who (Airport Director)
  - Fit into personnel and administrative structure
  - Compare to Japanese quality control model
  - Qualifications, liability
- Creation of consolidated safety function
  - Within existing organization
- Enforcement hierarchy
Legal Issues to Consider - Data

- Collect highly sensitive information
  - Not SSI under TSA regulations
  - Not protected under most existing laws
- May not be able protect under open records laws, FOIA
  - Check state law
  - Documentation is a public record under FOIA
- Safety reports, scorecard as sources of public scrutiny (and lawyers’ scrutiny!)
- Self reporting implications
Legal Issues to Consider - Tenants

- Non-movement areas
- Responsibility to police leasehold property
- Authority to direct tenant to take action
  - Check leases, agreements
  - Revise Minimum Standards/ Rules-Regs
Possible Topics for Comments

- Special airport circumstances
  - Non-movement areas
  - Authority over leaseholds
- Open records/ data protection
- Authority of Accountable Executive
- Implementation mechanics
  - Cost
  - Timing
- FAA role in implementation
Questions?

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