ACRP 11-01/8-01: LEGAL ISSUES RELATED TO THE IMPLEMENTATION AND OPERATION OF SMS FOR AIRPORTS

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Objective

→ Build on previous publications
  – Legal Research Digest No. 19
  – Other publications
→ Intended to gather real, concrete information
What were we looking for?

- Liability
- Data Protection
- Freedom of Information Laws
- Lease Agreements and Tenant Relationships
- Insurance
- Governance
Methodology

► Interviews with sponsors
  – Legal counsel
  – Airport directors/managers
  – SMS Coordinators

► Specific questions, but also opportunity to ID new issues
What did we find?

THE RESULTS ARE IN...
Primary Finding: Cautious Uncertainty

¬ Few reported actual legal issues
¬ Nearly universal reports of curtailed implementation
Lack of Final Rule

- Preliminary implementation efforts, but not always more detailed implementation
- Administrative difficulty without mandate to implement
- Steps that would trigger legal issues have been held
Other Findings

- Sovereign immunity would likely protect sponsor
- One lawsuit implicating SMS Manual and implementation plan
- Preventative FOIA measures
- Some revisions to leases, employee materials, and governing documents
- Insurance savings, but limited discussions w/ carriers
Questions?

► Publication expected Q3 of 2018

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