

# 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?



# 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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