Airport SMS Final Rule
Discussion Slides | Feb. 21, 2023

Agenda

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Airport SMS History & Timeline

- **2005**: ICAO adopted a standard in Annex 14 that all member states establish SMS requirements for airport operators

- **2010**: FAA released a notice of proposed rulemaking (NPRM) that would require all Part 139 certificated airports to have an airport SMS

- **2016**: FAA released a supplemental NPRM (SNPRM) that significantly modified the original NPRM released in 2010. FAA also released draft AC 150/5200-37A for comment.

- **2016-2020**: No activity due to administration's deregulatory initiatives

- **2021**: FAA reopens rulemaking comment period

- **2023**: FAA releases final rule requirements for airport SMS programs

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Applicability
Final Rule Review

- Part 139 certificated airports meeting any one of the three criteria would be required to maintain an airport SMS program:
  - (1) Classified as large, medium, or small hub based on passenger data from the FAA Air Carrier Activity Information System; **OR**
  - (2) Classified as a port of entry, designated international airport, landing rights airport, or user fee airport; **OR**
    - **A waiver is available for these airports if it has no tenants that are required to have an SMS program.**
  - (3) Has an average of 100,000 or more total annual operations (the sum of all arrivals and departures) over the previous 3 calendar years.

- FAA published a list of Part 139 airports that will have to comply

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Airport SMS Program Requirements
Final Rule Review

- **Scope of Program**
  - The scope of the program would include both the movement area <u>AND</u> non-movement area
    - <u>Non-movement area</u>: Area used for the loading, unloading, parking, and movement of aircraft on the airside of the airport (including ramps, apron areas, and on-airport fuel farms)
- **Compliance**
  - Incorporate a section on airport SMS in the Airport Certification Manual <u>OR</u> create a separate Airport SMS Manual
- **Four Required Components of Airport SMS**
  - Safety Policy
  - Safety Risk Management
  - Safety Assurance
  - Safety Promotion

Airport SMS Program Requirements
Final Rule Review

- **1. Safety Policy** – Airports must:
  - Establish safety policy and make available to all employees and tenants
  - Identify "accountable executive"
  - Establishes safety objectives and processes for meeting those goals
- **2. Safety Risk Management** – Airports must:
  - Establish process for identifying/analyzing safety hazards, assessing the level of risk associated with the hazard, and mitigating them
  - Regulation is <u>not</u> prescriptive on how airports conduct hazard assessments
  - Requires document retention

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Airport SMS Program Requirements
Final Rule Review

- **3. Safety Assurance** – Airports must:
  - Establish processes for ensuring that mitigations developed through the SRM process are "adequate," including:
    - Monitoring safety performance
    - Establishing a hazard reporting system with reporter confidentiality
- **4. Safety Promotion** – Airports must:
  - Establish processes for <u>fostering</u> an environment that encourages safety
  - Provide the following <u>training</u>:
    - Provide <u>comprehensive SMS training</u> specific to the individual's role and responsibility in implementing and maintaining the airport's SMS program
    - Provide <u>safety awareness orientation</u> to <u>all persons</u> authorized to access movement and non-movement areas, including hazard identification and reporting (can accomplished via printed materials, e.g., brochure)

Data Sharing and Reporting with Tenants
Final Rule Review

- **FAA created new provision that allows airports to enter into "data sharing and reporting arrangements" with certain air carrier tenants**

  - Allow tenants to share with Part 139 airports any hazard report submitted though the tenants' SMS program, eliminating duplication of reporting in certain areas of the airfield

  - If such an arrangement is implemented, then airports do <u>not</u> have to provide safety awareness orientation to those tenants or their employees

SMS Documentation
Final Rule Review

- **Implementation Plans**:
  - All airports are required to develop an "implementation plan" which includes a proposal on <u>how the airport will comply</u> and <u>a schedule</u> for implementing the four SMS components

  - For airports with an established SMS:
    - You must still submit an implementation plan
    - FAA recommends conducting a gap analysis to help determine whether your airport has already completed the program elements

  - FAA anticipates 60-day review for implementation plans

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SMS Documentation
Final Rule Review

- Airports must **develop an amended Airport Certification Manual (ACM) or Airport SMS Manual**

  - The ACM Update or Manual must describe how the airport is complying with the four required SMS program components

  - Should airports develop an updated ACM or SMS Manual?

  - FAA anticipates 90-day review for SMS Manuals or Updated ACMs

- Templates for both SMS documents are in new AC

Implementation Timeline/Deadlines
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Trigger for SMS Requirement	Deadline to Submit Implementation Plan	Deadline to Submit SMS Manual and/or ACM Update	Deadline to Fully Implement SMS
Large, medium, and small hubs	12 months from effective date	12 months from date on which the FAA approves the Implementation Plan	36 months from the date on which the FAA approves the Implementation Plan
Over 100K average annual operations	18 months from effective date	12 months from date on which the FAA approves the Implementation Plan	36 months from the date on which the FAA approves the Implementation Plan
International airports	24 months from effective date	12 months from date on which the FAA approves the Implementation Plan	36 months from the date on which the FAA approves the Implementation Plan

*The "effective date" is **60 days** after the final rule is published in the *Federal Register*, which is expected to occur this week or next.

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Miscellaneous Takeaways
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- **Data Protection**
  - FAA would not possess any safety data reported to airport
  - FAA provided airports with no protection from having to disclose safety data pursuant to state/local sunshine laws
- **AIP Eligibility**
  - Initial implementation plan, SMS Manual, and initial acquisition of airport-owned software applications are AIP eligible
- **FAA Resources**
  - New AC provides SMS documentation templates and details on how to implement an SMS program
  - Frequently Asked Questions (FAQ) document is also online
  - Industry day tentatively scheduled for **Thursday, March 30**

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Open Discussion…..