

Designation of Class of Certificate Under the Revised 14 CFR Part 139

The Federal Aviation Administration (FAA) has issued revised rules for safety regulation and certification of U.S. airports receiving commercial service, 14 C.F.R. Part 139. The revision was published in the Federal Register on February 10, 2004, and took effect on June 9. The last major revision to Part 139 was in 1988.

The 1988 rule provided for two categories of airport operating certificates (AOC): unlimited and limited. The new regulation has four classes of AOC. The purpose of providing four separate classes of AOC, as with the two types of AOC under the prior rule, is to apply the right level of safety regulation for the kind of aircraft opera-

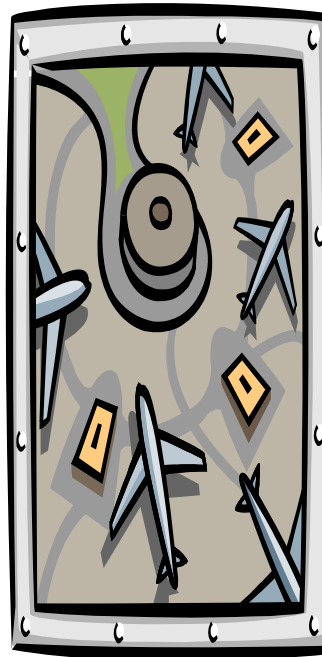
tions at each airport and avoid imposing more stringent requirements than are actually required.

All certificated airports will need to have their AOCs reissued. The FAA will need to determine the class of the new AOC for each airport, based on the circumstances existing at the airport. A preliminary designation of the AOC class for each certificated airport is posted on the ARP web site at: <http://www.faa.gov/arp/certification/index.cfm?ARNav=cert>.

Under Part 139, an airport operator can surrender its AOC or apply to the FAA to modify the class of AOC.

However, the operator of

a certificated airport that has received AIP grants
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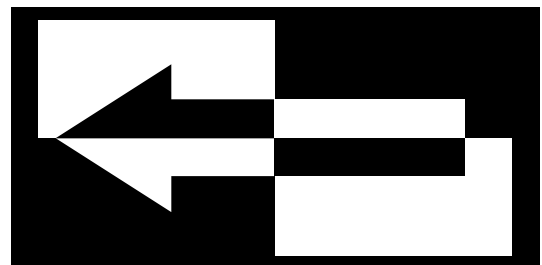
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Airport Capital Improvement Planning Conference

On October 19, 2004, FAA is hosting an Airport Capital Improvement Planning Conference at the Doral Hotel and Golf Club in Fort Worth, Texas. The cost is

\$80.00. Registration information and a agenda will be posted on the Airports Division web site at <http://www.faa.gov/arp/asw/> when available.



DUNS Number Requirement on Applications

The Office of Management and Budget (OMB) has directed all federal agencies to require applicants of federal grants to obtain and provide a Dun & Bradstreet Data Universal Numbering System (DUNS) number when applying for federal grants or cooperative agreements from October 1, 2003.

Use of the DUNS number government-wide is intended to provide a cost-effective means to identify entities receiving those awards and their business relationships. The identifier will be used for tracking purposes, and to certify address and point of contact information.

All project applications for AIP

grants must have the sponsor's DUNS number physically identified on the project application. Standard Form SF-424 has recently been updated to include a location for the DUNS number.

How do Sponsors get a DUNS number? Organizations should verify whether they already have a DUNS number. If not, the Sponsor must take necessary steps to get a number as quickly as possible and can request one at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 or by visiting <http://www.dnb.com/us/>.

We strongly encourage Sponsors

to take action now to get a DUNS number. Sponsors should strive to get their number well before submitting the formal project application. Early actions will hopefully avoid any potential delays in processing the grant application.

Please contact your FAA project manager if you have questions.



Comment Now on Proposed PFC Non-Hub Pilot Program

The FAA is proposing a pilot program to test new application and approval procedures for the passenger facility charge (PFC) program. This pilot program will run for 3 years and is available to non-hub airports.

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Besides the pilot program, this proposed rule also contains several changes designed to streamline the PFC application procedures for all PFC applications and improve the existing PFC program. The FAA is proposing these changes in re-

sponse to Congressional direction found in the Vision 100--Century of Aviation Reauthorization Act. The proposal can be found at <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-13050.htm>.

Send your comments to FAA on or before August 9, 2004.

FAA Land Conference Announced

The 2004 Land Conference will be November 14-16, 2004, at the Millennium Knickerbocker Hotel in Chicago. Contact **T a t y a n n a Wilkerson** at (310) 538-0233, ext. 146 for more information.



Sponsor Eligibility

Eligibility to receive funds under the AIP program varies with the type of sponsor and the project activity. In all cases, the sponsor must be legally, financially and otherwise able to assume and carry out the obligations of an AIP grant agreement. The general categories of sponsors follows:

Planning Agencies - Agencies such as state planning agencies or metropolitan planning agencies may qualify as a sponsor as long as that organization is authorized by the State or local laws. Such grants are typically limited to planning type grants.

Public Agencies that Own the Airport - Public agencies such as state, county, local municipalities or other political subdivisions that maintain ownership of an airport may qualify as an AIP Sponsor. Sponsorship may include agreements for airport master planning, noise compatibility planning, noise program implementation and airport development projects.

Certain Public Agencies that Do Not Own an Airport - Public agencies such as State, county, local municipalities or other political subdivisions that do not actually own the airport may qualify as an AIP Sponsor. Such sponsorship is typically limited to master planning for new airports, acquisition of existing airports and noise program implementation.

"...the sponsor must be legally, financially and otherwise able to assume and carry out the obligations of an AIP grant agreement."

Certain Privately Owned Airports - Individuals, partnerships or corporations who own and operate an airport intended for public-use may qualify as an AIP sponsor if they operate a reliever airport or an airport that has at least 2,500 annual passenger boardings. Privately owned

airport sponsors are eligible for airport development projects, airport master planning, noise compatibility planning and noise program implementation.

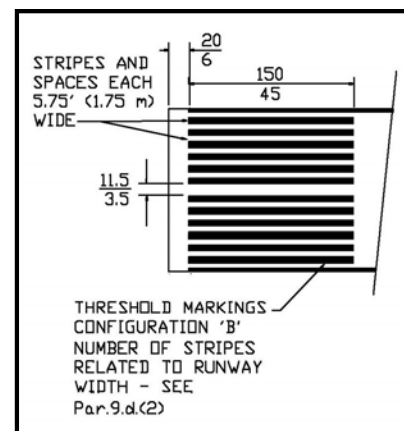
State Sponsorship - A State may act as a sponsor whether or not it owns the airport. If the State does not maintain ownership, the State sponsorship must satisfy three statutory provisions:

1. The sponsor must consent in writing to State Sponsorship.
2. There shall be administrative merit and aeronautical benefit to State Sponsorship.
3. There must be an agreement acceptable to the FAA that assures compliance with grant provisions.

Standards for Airport Marking

Advisory Circular 150/5340-1H, Standards for Airport Markings, describes the purpose, location, color and characteristics of Runway Threshold Markings in Section 2, paragraph 9. (Excerpt from AC 150/5340-1H, Figure 1 shown) Paragraph 9(d) states the threshold markings may have either the characteristics in (1) Configuration A or (2) Configuration B, but after January 1, 2008, only those characteris-

tics in (2) Configuration B will be acceptable. While this date is still several years away, part 139 airport operators should start taking the necessary steps to make the conversions, especially on runways that are new, being reconstructed, or having an overlay.





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*To serve the public by
providing for the
quality development
and continuing
needs of a safe and
efficient airport
system through
partnership with the
aviation community*



New Airport Certification Manual Needed

The clock started ticking June 9th for submitting a new Airport Certification Manual (ACM) for approval. Class I airports will have until December 9, 2004, to send in their ACM, and Classes II, III, and IV have until June 9, 2005.

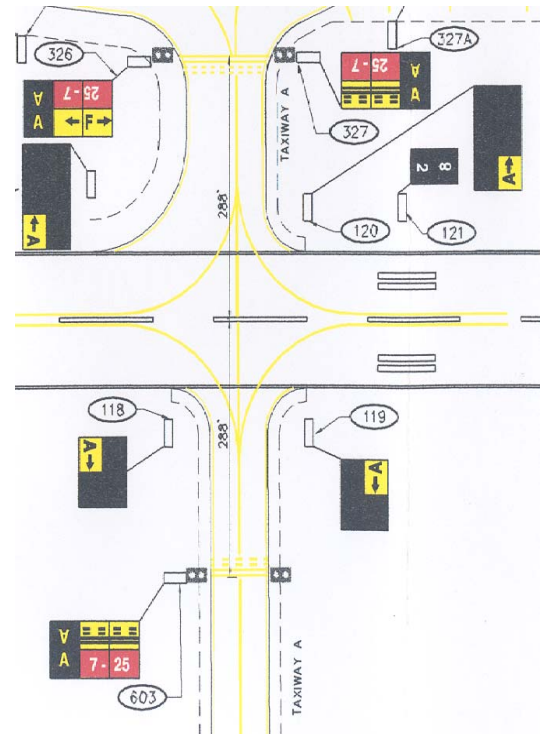
Advisory Circular 150/5210-22, Airport Certification Manual (ACM) is available on the national FAA Airports Website at <http://www.faa.gov/arp/150acs.cfm?ARNav=acs>.

For certificated airports here in the Southwest Region, three ACM templates are available on our regional airports website at <http://www.faa.gov/arp/asw/forms.cfm> - issues. These templates can be used to either write a new ACM, or update an existing one to meet the new requirements.

If you haven't already done so, we recommend you visit <http://www.faa.gov/arp/certification/part139/index.cfm> for information on the new 14 CFR Part 139.

Airport Sign and Marking Plan

The new-revised 14 CFR Part 139 requires that Airport Sign Plans be revised to become Airport Sign and Marking Plans, and include all runway markings. Please refer to item 13 of the *Required Airport Certification Manual Elements* under FAR Part 139.203(b). We recommend these new Airport Sign and Marking Plans be developed in color. Several airports here in the region have already colorized their plans and found them to be much more user friendly.



(CFR Part 139 continued from Page 1) also has an independent obligation, under the AIP grant assurances, to provide reasonable, not unjustly discriminatory access to the airport. The class of AOC held by an airport can affect an operator's access to an airport, because commercial aircraft operators can operate only at airports with a certain level of AOC. For example, commuter operators could not operate under the new rule at an airport with a Class IV AOC even though they could have operated there under the prior rule when the airport held a limited AOC. The FAA would generally expect an airport operator to meet the requirements of the AOC that corresponds to the kinds of commercial operations at the airport, in order to meet the sponsor's obligations for reasonable, not unjustly discriminatory access.

The questions and answers below may help to explain who will need an AOC under the Revised 14 CFR Part 139:

1. An airport does not have an AOC but currently has scheduled service by aircraft with 10-30 passenger seats. Can the airport refuse to seek an AOC under the new part 139?

Answer: Yes. Under 49 U.S.C. § 44706(f), the airport is not required to apply for an AOC. The commuter operator will be required to cease scheduled operations at the date specified in revised 14 CFR Part 121.

2. An airport has an AOC (full or limited) and air carrier service. Can it surrender its AOC?

Answer: An airport can surrender its AOC at any time under 14 CFR § 139.109 (current and new). However, surrender of an AOC by an airport operator that has accepted AIP grants may conflict with the airport operator's grant assurance of reasonable access, if current or planned operations must be cancelled as a result.

3. The airport has a limited AOC under the current part 139 and has scheduled service with 10-30 seat aircraft. A Class II AOC is required to permit current operations to continue. Can the airport operator elect a Class IV AOC under the new part 139, to require the commuter service to cease?

Answer: No. 49 U.S.C. § 44706(f) does not apply to changes in class of AOC by a certificated airport. Since the airport already has an AOC (even if limited), it would be required to continue to meet appropriate certification requirements for the kinds of operations at the airport and convert its AOC to one of the new Part 139 classes. A limited-AOC airport will be designated either Class II or Class IV, depending on the types of commercial service at the airport. FAA would make the determination as to what class the airport would hold.

This does not appear to be an issue in other situations: Certificated airports with scheduled large-aircraft service will simply be designated as Class I; uncertificated airports with commuter service (and certificated airports with commuter service but no recent or planned large-aircraft service) would be designated Class III; and limited-AOC airports with no commuter service would be designated Class IV.

4. Same as no. 3 except that the scheduled service has not started yet. There is no scheduled service at a limited-AOC airport, but an air carrier has notified the airport that it intends to begin scheduled service with 10-30 passenger seat aircraft. The service would require a Class II AOC. Can the airport elect to meet the requirements only for a Class IV AOC, to keep the commuter air carrier from beginning scheduled service?

Answer: As stated in paragraph 3, a limited-AOC airport will be designated either Class II or Class IV, depending on the types of commercial service at the airport. The FAA generally treats planned service the same as existing service. For example, planned operations are taken into account in airport planning and in FAA grant decisions. Also, an operator that is "directly and substantially affected" by an airport access rule will have standing to file a formal complaint with the FAA under 14 C.F.R. part 16. The FAA has considered an operator prevented from starting service to be "directly and substantially affected" by the airport's actions, and has accepted a complaint from the operator.

The FAA will treat the planned service the same as existing service if the operator (1) is able to actually begin service, i.e. to have the use of necessary facilities and equipment, and have the necessary Department of Transportation and FAA authority to operate scheduled air transportation, and (2) has filed formal notice with the airport operator of intent to begin service within a reasonable time, e.g. 2-6 months.

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(CFR Part 139 continued from Page 5)

Therefore, the FAA expects that the operator of a limited-AOC airport, if the airport has a pending request by a carrier able to begin scheduled 10-30 seat service, will meet the requirements of a Class II AOC in order to remain in compliance with its grant assurance of reasonable, not unjustly discriminatory access.

Procedure: If a limited-AOC airport with a pending request for scheduled 10-30 seat service applies for a Class IV AOC, Our Regional Airports Division will advise the airport operator of its grant obligations, but review the application under Part 139 as a Class IV AOC. If the air carrier files a formal complaint under 14 C.F.R. Part 16, the FAA will determine the airport operator's obligations in a Part 16 Director's Determination. That Determination could require, as part of a corrective action plan, that the airport operator apply for and meet the requirements of a Class II AOC.

5. A limited-AOC airport with no scheduled air carrier service applies for a Class I AOC under the new part 139 and is willing to meet all the requirements. Should the FAA designate the airport as Class I as requested?

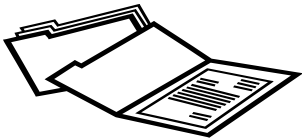
Answer: Generally the FAA will designate the appropriate class of AOC for the kinds of commercial service operating at the airport. However, the Regional Airports Division may make the determination to designate an AOC as Class I where there is a reasonable prospect of scheduled service, or in other special circumstances. For example, if an airport is served by frequent and regular Part 380 scheduled charters, then the FAA may elect to designate a Class I AOC for that airport even though it is not technically required for that service.

6. Does an airport designated as a Class II, III, IV (in accordance with part 139) need to accommodate an air carrier wishing to serve the airport with aircraft that require the airport to have a Class I AOC.

Answer: Not necessarily. Operations by larger aircraft may require changes in airport facilities as well as the Class I AOC. Flight Standards approval of the operation may also require FAA environmental review. Whether the air carrier's request raises an issue of reasonable access to the airport will depend on the circumstances at the airport. If an airport is concerned about upgrading an AOC to Class I to permit new scheduled service by aircraft with more than 30 passenger seats, AXX-600 should contact ASS-1 for coordination with AAS-100, AAS-300, and AAS-400.

FAA SPECIFICATION FOR WIND CONE ASSEMBLIES

On June 2, 2004, the FAA revised specifications for wind cone assemblies in **AC No: 150/5345-27D**. The principal changes include revising equipment qualification requirements to be furnished under the Federal grant assistance program for airports and assign new specifications for internally lighted wind cones.



New Regional Administrator

Ava L. Wilkerson has been named the new Regional Administrator of Southwest Region. Ms. Wilkerson replaces Ruth Leverenz, who has been serving as both Regional Administrator and Assistant Administrator for Regions and Center Operations since 1998. Ms. Leverenz continues in her capacity as Assistant Administrator. Ms. Wilkerson has served as the Director of International Aviation and also has extensive experience in aviation safety as an executive in Flight Standards and Aircraft Certification.

New AC on Fuel

Advisory Circular (AC) 150/5230-4A, AIRCRAFT FUEL STORAGE, HANDLING, AND DISPENSING ON AIRPORTS, issued June 18, 2004.

This AC identifies standards and procedures for storage, handling, and dispensing of aviation fuel on airports; and cancels AC 150/5230-4, *Aircraft Fuel Storage, Handling, and Dispensing on Airports*, dated August 27, 1982.



Bird Strike Conference and Information

The sixth combined Bird Strike Committee-USA/Canada meeting will be held from September 13-16, 2004, in Baltimore, Maryland. This meeting will be of particular interest to military and civilian personnel responsible for airfield operations, wildlife and wetland resource managers,

land-use planners, FAA airport/aviation inspectors, university researchers, engineers, pilots, aviation industry representatives, waste management operators-- anyone interested in minimizing conflicts between birds and aviation and reducing wildlife strike hazards.

The early conference registration deadline is July 15, 2004. Contact Betsy Marshall Poggiali of the USDA (<http://www.betsy.j.poggiali@aphis.usda.gov/>, phone 419-625-0242; fax 419-625-8465) for details. The most up to date information can be found on the web at: www.birdstrike.org



Airport Diagrams

All FAR Part 139 certificated airports are requested to review their respective airport diagrams, which are published in the instrument approach procedure publications. Diagrams published in the Airport Facility Directory also need to be updated to reflect actual conditions that exist on the airport.

It is extremely important that airports provide accurate information for users utilizing their facilities. Whenever airfield conditions are found to differ from the airport diagrams, changes need to be submitted as soon as possible. For a copy of your most recent diagram, check the following website: http://www.naco.faa.gov/ap_diagrams.asp

Any changes that need to be submitted should be coordinated with your local air traffic facility manager and sent by e-mail to 9-awa-ats-diagrams@faa.gov or via postal mail to: Federal Aviation Administration, Aeronautical Information Services, ATA-100, FOB 10A, Room 625, 800 Independence Ave., SW, Washington, DC 20591.

Please feel free to contact your respective Airport Certification/Safety Inspector for assistance.

Guidance Pertaining to Vision 100

On December 12, 2004, the President signed into law the Vision 100–Century of Flight Authorization Act of 2003, Public Law 108-176 (Vision 100). Vision 100 extends the Airport Improvement Program (AIP) through September 30, 2007. Additional guidance has been prepared to help implement new provisions contained in the Act. Program Guidance Letters (PGL) 04-1 and 04-2 discuss the following topics:

- Reauthorization of AIP Through Fiscal Year

- 2007
- Terminal Modification Projects to Install Explosive Detection Systems
 - Added Pavement Maintenance Eligibility for Certain Airports
 - Increase in Federal Share For Certain Airports
 - In-Kind Federal Facilities Relocation
 - Innovative Finance

Extension

- Elimination of Duplicative Environmental Requirements
- Inter-modal Planning
- Noise Funding
- Discretionary Funding
- Non-Primary Entitlement

These guidance letters can be found at www.faa.gov/arp/financial/aip/guidance.cfm?ARNav=aip#guidance

INTERNET RESOURCES

There are lots of developments on the Internet that can provide you with additional information. Here's an initial listing of some aviation/transportation related web sites you might find useful!

<http://www.faa.gov/> FAA Home page

<http://www.faa.gov/arp/arphome.htm> Homepage for Airports Office in Headquarters

<http://www.faa.gov/arp/150acs.htm> Part 150 Advisory Circulars Web site

http://api.hq.faa.gov/apo_home.htm Aviation Policy & Plans Home Page

<http://www.apo.data.faa.gov/> APO Data System Home page

<http://gps.faa.gov/> GPS Product Team Web Site

<http://www.faa.gov/acr/acrhome.htm> Office of Civil Rights Home page. Good source for DBE Policy, Americans with Disability Policy and Regulations.

<http://www.gcr1.com/> GCR Home page. Good source for obtaining 5010 data.

<http://www.gpo.gov/> Government Printing Office Home page. Good source for Federal Register and other documents.

<http://www.bts.gov/> DOT's Bureau of Transportation Statistic Home page