

TRANSPORTATION SECURITY POLICY

&

REGULATORY AFFAIRS DEPARTMENTS

First Quarter Report
April 2010



Baggage Claim
and
Gates 20-32



TRANSPORTATION SECURITY POLICY



RESPONSE TO CHRISTMAS DAY INCIDENT

In February, Department of Homeland Security (DHS) Secretary Janet Napolitano met with AAAE First Vice-Chair Jim Bennett from the Metropolitan Washington Airports Authority and ACI-NA Security Task Force Chair Frank Miller from San Antonio International Airport to discuss key aviation security initiatives. This meeting was in response to a long-standing request by AAAE to meet with airport leaders after the attempted attack by Umar Abdulmutallab on a Northwest flight bound for Detroit on Christmas Day 2009. Transportation Security Administration (TSA) Acting Administrator Gale Rossides, TSA Chief of Staff Art Macias and other DHS and TSA officials attended the meeting along with AAAE and ACI-NA staff.

Secretary Napolitano outlined three main aviation security budget priorities:

- funding for Advanced Imaging Technology (AIT) at airports;
- expanded use of Explosives Trace Detection (ETD) technology; and,
- increased use of canine teams to detect explosives.

Napolitano described AIT as a dramatically improved technology that would be deployed at security checkpoints for use in primary screening. AAAE representatives raised several questions about this planned deployment, including the possible need for checkpoint reconfiguration at some airports, processing times, checkpoint footprint issues, and whether airports would be liable for any of the costs associated with the deployment. Citing lessons learned from a rushed Explosive Detection Systems (EDS) deployment for checked baggage, an effort that created unnecessary costs and requires on-going efforts to fix, AAAE stressed the importance of early and frequent involvement of airport management as a part of the checkpoint reconfigurations and deployment. AAAE also argued that any related checkpoint expansion and infrastructure improvement be funded by the government.



AAAE staff discuss their meeting with DHS Secretary Napolitano regarding the deployment of Advanced Imaging Technology at airports.

Napolitano emphasized that the expanded use of ETD technology would result in a “randomized additional layer of security.” The secretary also noted that the Administration is requesting more funding for canine teams. Again, AAAE representatives stressed the need for early and close coordination with airport operators on the deployment and operational use of these additional resources and technology.

Finally, Napolitano updated the airport representatives on her efforts to harmonize international aviation security standards and protocols.

In January, as part of the report on the preliminary security review conducted in the wake of the failed Christmas day terrorist attack, President Obama issued a directive outlining immediate actions that must be taken to enhance the security. The directive orders the DHS to:

- aggressively pursue enhanced screening technology, protocols, and procedures, especially in regard to aviation and other

transportation sectors, consistent with privacy and civil rights liberties;

- strengthen international partnerships and coordination on aviation security issues; and,
- develop recommendations on long-term law enforcement requirements for aviation security in coordination with the Department of Justice.

The directive also requires the State Department to review the visa issuance process and a number of counterterrorism agencies to review watch list processes. In the directive, the White House pledges to “work with departments and agencies and the Office of Management and Budget on resource requirements that are necessary to address the shortcomings uncovered by our review.”

The security review cites failure of intelligence analysis, failure of the counterterrorism community to assign priority and responsibility to high priority threat streams, and shortcomings of the watchlisting system as the most significant failures that led to the attempted terror attack.

Following Obama’s announcement on January 7, 2010, DHS Secretary Napolitano outlined actions that the agency will take in the following five categories:

- strengthen watch lists to better determine who should and should not fly;
- establish a partnership between DHS and the Department of Energy to utilize the national labs to develop new technologies for the passenger checkpoints to address evolving threats;
- accelerate Advanced Imaging Technology (AIT), including Whole Body Imaging (WBI) machines;
- strengthen aviation law enforcement, including the Federal Air Marshall Service; and,
- strengthen international security measures. Napolitano has been participating in a series of ministerial meetings with international airports across the globe over the past few months.

ADVANCED IMAGING TECHNOLOGY (AIT) DEPLOYMENT AND FUNDING

TSA expects to deploy a total of 450 AIT units by the end of 2010. In addition, President Obama’s fiscal year 2011 budget request calls for the purchase of 500 AIT units to deploy at airport checkpoints across the country.

On March 5, 2010, the DHS announced eleven airports that will be receiving AIT units purchased with American Recovery and Reinvestment Act (ARRA) funding. The airports include:

- Boston Logan International Airport;
- Charlotte Douglas International Airport;
- Chicago O’Hare International Airport;
- Cincinnati/Northern Kentucky International Airport;
- Fort Lauderdale-Hollywood International Airport;
- Kansas City International Airport;
- Los Angeles International Airport;
- Mineta San José International Airport;
- Oakland International Airport;
- Port Columbus International Airport; and,
- San Diego International Airport.

At the urging of airports and AAAE at the February 2010 meeting with DHS Secretary Napolitano, an AIT implementation working group was formed. The first meeting of the task force was held on March 8, 2010 with industry representatives, including AAAE, TSA Assistant Administrator for Security Technology Robin Kane and his staff. Discussion once again focused on the main areas of concern expressed by AAAE airport members, namely impact on through-put, checkpoint configuration and funding for any large scale infrastructure modifications that may be necessary. TSA stressed that they do not foresee any major impact on checkpoint through-put or configuration and have developed deployment plans that are not expected to have substantial infrastructure impacts.

TSA is using the AIT deployment as an additional opportunity to coordinate the roll-out and deployment of other checkpoint screening technologies, such as AT X-ray, bottle liquid scanners and credential authentication technology/boarding pass scanning systems (CAT/BPSS). They have established three regions across the country to facilitate deployment and are currently using three system integrators to manage the process. A single systems integrator will soon be chosen by TSA to assume this work.

AAAE suggested that as TSA deploys AIT and other technology at the passenger screening checkpoint at airports that best practices and lessons learned be shared with the airports that are next in line on the deployment schedule. This would help ensure local airport officials are included in early conversations with TSA and would facilitate the exchange of important information, such as airport permitting processes, prior to deployment.

TSA pledged to continue to work closely with industry on AIT and passenger checkpoint technology deployment, agreeing to participate on the TSA monthly conference calls for airport stakeholders as necessary, as well as attend industry meetings such as AAAE's 82nd Annual Conference and Exposition in Dallas, Texas, May 16-19, 2010. TSA will also ask the Office of Security Operations (OSO) to brief industry at the next meeting on modeling assumptions for checkpoint through-put and staffing needs for AIT units.

Finally, in a hearing before the House Homeland Security Subcommittee on Transportation Security and Infrastructure Protection on March 17, 2010, AAAE president Chip Barclay testified that airport executives are optimistic about TSA's plans to deploy advanced imaging technology at airport checkpoints, but remain concerned about potential infrastructure, operational, and funding-related challenges. Barclay again pointed to the experiences of airports with the wide-scale deployment of checked baggage explosives detection equipment earlier this decade in arguing for greater airport consultation at the local level and for federal support to pay for necessary terminal modifications and airport space. To avoid repeating past mistakes, Barclay urged the subcommittee to give airports a direct role in developing and approving AIT deployment plans; require TSA to pay for space and terminal modifications necessary to accommodate AIT equipment and proactively address passenger through-put issues.

INCREASED USE OF EXPLOSIVE TRACE DETECTION ON PASSENGERS

In response to the failed Christmas Day attack, TSA announced in late February, that it was expanding the random use of ETD technology at

airports nationwide as an additional layer of security. With the Transportation Security Services (TSS) Committee, AAAE staff is working closely with TSA to determine the operational impact on airport operators and local law enforcement, as well as the legal ramification of searching passengers outside of the security checkpoint.

TSA increased its random use of ETD technology within security checkpoints to screen passengers' hands and carry-on luggage. In addition, TSA piloted the use of ETD technology in both the checkpoint queue and boarding areas for two weeks at Raleigh-Durham International Airport, Hartsfield-Jackson Atlanta International Airport, Orlando International Airport, and Pitt-Greenville and Coastal Carolina Regional Airports in North Carolina.

Passengers will now see increased random use of ETD technology in areas where TSA currently conducts screening such as the security checkpoint, as well as in the checkpoint queue, and boarding areas. Officers may swab a piece of luggage or passengers' hands, then use ETD technology to test for explosives. The swab is placed inside the ETD unit which analyzes the content for the presence of potential explosive residue. To ensure the health of travelers, screening swabs are disposed of after each use. Since it will be used on a random basis, passengers should not expect to see the same thing at every airport or each time they travel.

AAAE PARTICIPATES ON ASAC GA WORKING GROUP

In March, AAAE participated on the General Aviation (GA) Working Group of the Aviation Security Advisory Committee (ASAC). ASAC, a federal advisory committee of which AAAE has been a longstanding member, approved the formation of the GA Working Group in September 2009. The two day meeting examined areas of GA security with a focus to provide recommendations to TSA and the full ASAC. TSA Assistant Administrator for Transportation Security Network Management (TSNM) John Sammon and TSA General Manager for GA Brian Delauter kicked-off the meeting and helped to lead the discussion.

During the meeting, working group stakeholders identified key areas of concern with a focus on not only short-term issues but also issues that will impact what GA security looks like in five to ten years. After robust discussion, the working group identified the following five focus areas:

- temporary flight restrictions (TFRs);
- GA incident management;
- interagency communication (especially in regards to Customs and Border Protection);
- GA grant program; and
- GA credentials and access to airports.

AAAE staff participated on both the GA grant program and GA credentials and access to airports focus areas. Each focus group will develop a white paper with recommendations on solutions to either improve or create processes that will improve GA security for consideration by the GA working group, the full ASAC and TSA.

TSA'S AIRPORTS INNOVATIVE SECURITY MEASURES INITIATIVE

As AAAE has previously reported, TSA's Airports Innovative Security Measures Initiative aims to identify and catalogue commercial airport

operators' innovative security measures. These are categorized as measures which exceed Part 1542 requirements or are employed in a particularly effective manner, and will be gathered in order to create a ready reference document for airports and TSA to use to foster innovation and to make best use of limited security resources. TSA asked airport operators to submit security measures for review and consideration through the Airports Innovative Security Measures Survey, which was distributed in late 2009 and open for responses through February 2010.

TSA provided the following update during the early part of the first quarter:

- Over than 107 airports provided TSA with more than 700 innovative security measures for review and consideration.
- TSA is beginning the next phase of this initiative to include airport site visits at 15 airports.
- TSA is evaluating site visits to other airports and will provide that list following the visits to the initial 15 locations.

GENERAL AVIATION SECURITY UPDATE

AAAE has actively participated on the newly implemented monthly conference calls hosted by TSA for GA stakeholders this quarter. The following are key highlights from TSA's Office of General Aviation.

Flight School Inspections

TSA's Office of Security Operations has begun flight school inspections. The inspections are unannounced and according to TSA they are simply a "records check." In spite of the incident that occurred in Austin Texas, TSA advised that these inspections were planned prior to this.

Vulnerability Assessment

TSA reported that the GA Airport Vulnerability Assessment, scheduled to close on March 12, 2010, will be extended for an additional thirty days.

As AAAE has reported extensively on, TSA released the GA Airport Vulnerability Assessment on January 13, 2010. This voluntary assessment is based on the requirements of the 9/11 Commission Recommendation Act of 2007. The Act required the TSA to develop and implement a standardized threat and vulnerability assessment program for GA airports. In addition, TSA was required to evaluate the feasibility of a program to provide grants to GA airport operators for the completion of projects in order to improve security.

According to TSA, with approximately 19,000 general aviation landing facilities in the United States, assessment priority was given to approximately 3,000 GA airports that meet the following criteria:

- runway of at least 2,000 feet;
- proximity to major metropolitan areas and/or "high value targets" (e.g., nuclear power plants, etc.); and,
- proximity to standing Prohibited Areas such as those around Camp David.

State aviation directors were briefed and expected to reach out to the 3,000 selected airports. Other GA airports have the opportunity to participate as long as they meet the above criteria.

TSA has promised to share the cumulative results of the survey with AAAE. AAAE's GA Security Working Group will then work with TSA on establishing some sort of grant-making program per the language included in the 9/11 Legislation.

AAAE's SECURITY GUIDELINES WORKING GROUP

In addition to the GA working group, ASAC has formed a working group to update the Recommended Security Guidelines for Airport Planning, Design and Construction (APDG), which were last updated in 2006. This effort is chaired by TSA's Mike Duffy, deputy general manager for commercial airports, Paula Hochstetler, president of the Airports Consultants Council (ACC) and led by TSA's Jose Chaves, senior transportation security specialist and the former airport security coordinator of BWI airport. AAAE will play a key role in this working group, which will be collecting input from airport operators as part of the effort.

The airport representatives that volunteered to serve on the AAAE working group to review and update the Recommended Security Guidelines for APDG recently received a compilation document prepared by TSA that outlines the sections that currently make up the Recommended Security Guidelines and provides an overview of recommended revisions. The group was asked to review the document and provide comments as well as identify additional areas for revision by April 12, 2010.

Save the Date for These Exciting 2010 Security Meetings!

AAAE Employee Credentialing and Access Control Conference
June 7- 8, 2010 | Portland, OR

AAAE General Aviation Issues & Security Conference
June 29- July 1, 2010 | Morristown, NJ



AAAE's Transportation Security Services Committee (TSS) is scheduled to meet on Monday, May 17, 2010 at 2 p.m. during the 82nd Annual AAAE Conference and Exposition in Dallas, Texas

Chaired by Mark Crosby, Chief of Public Safety & Security at the Port of Portland, the mission of the TSS Committee is to provide a dedicated forum for aviation security professionals to discuss and devise solutions for the demanding operational and security challenges of the post 9/11 era. Members of the Committee can expect to:

- receive regular and updated information from AAAE through airport-only monthly conference calls, by e-mail (TSS Committee notices) and at in-person meetings such as the one scheduled for Monday, May 17, 2010 in Dallas, Texas;
- use their expertise in leading working groups on specific areas of concern and draw upon their experiences in sharing best practices; and,
- act as the lead advisory group to AAAE's Transportation Security Policy (TSP) staff and help develop policy recommendations for DHS and TSA.

The agenda for the May meeting includes several key issues including:

- regulatory reform;
- AIT/WBI and ETD technology deployment;
- Biometric Airport Security Identification Consortium (BASIC)
- GA airport security; and,
- AAAE's working group on Airport Security Construction and Design Guidelines.



REGULATORY AFFAIRS

OVERVIEW OF PRESIDENT OBAMA'S FISCAL YEAR 2011 BUDGET REQUEST

In February, the Obama Administration unveiled its fiscal year 2011 budget request. Despite a tough budget environment, the Department of Transportation (DOT)/Federal Aviation Administration (FAA) request proposed:

- level funding of \$3.515 billion for Airport Improvement Program (AIP) and for other FAA programs;
- \$1.14 billion for the Next Generation Air Transportation System (NextGen) – a 30 percent increase from FY10; and,
- \$4 billion for the National Infrastructure Innovation and Finance Fund that would provide grants and transportation infrastructure projects “of national or regional significance.”

The Environmental Protection Agency (EPA) request proposed:

- \$60 million to support state efforts to implement updated National Ambient Air Quality Standards (NAAQS);
- \$43 million for additional efforts to address climate change and work toward a clean energy future; and,
- \$3.3 billion to maintain and improve outdated water infrastructure and keep our wastewater and drinking water clean and safe. This is in addition to \$6 billion in funding provided to states through the American Recovery and Reinvestment Act (ARRA).

Congress is currently evaluating the request and putting together the annual appropriations bills. AAAE's Airport Legislative Alliance will continue to provide information as the appropriations bills move forward. More information on President Obama's FY 2011 budget request may be found on the respective department and agency websites.

ADMINISTRATOR BABBITT TO MAKE FIRST MAJOR ADDRESS TO AAAE MEMBERS AT 82ND ANNUAL AAAE CONFERENCE

FAA Administrator Randy Babbitt has been confirmed to address the 82nd Annual AAAE Conference & Exposition, Tuesday May 18, 2010 in Dallas, Texas. This will be Babbitt's first major address to AAAE members; he was sworn in as the FAA's sixteenth administrator on June 1, 2009. Babbitt comes to the FAA from Oliver Wyman, an international management consulting firm where he served as partner.

A veteran pilot and internationally recognized expert in aviation and labor relations, Babbitt is no stranger to the FAA. He has been a member of the agency's Management Advisory Council since 2001. In that capacity, he provided guidance to the FAA administrator on a variety of topics, ranging from air traffic modernization to regulatory policy. He was chairman of the council from 2004-06. He also was appointed by DOT Secretary Mary Peters to be a member of a special Internal Review Team to assess safety oversight within the airline industry and the FAA.

Also the FAA Roundtable, at the annual conference will feature speakers and top executives from the FAA including: Air Traffic Organization COO Hank Krakowski, Acting Associate Administrator for Airports Kate Lang and Acting Assistant Administrator for Aviation Planning, Policy and the Environment Nancy LoBue. The FAA Roundtable will take place Wednesday May 19 from 9:30-10:30 a.m. at the 82nd Annual Conference and Exposition.

EPA PROPOSES TO INCREASE LEAD AIR MONITORING REQUIREMENTS

On December 30, 2009, the EPA proposed to expand the lead air quality monitoring network to cover sources that emit a half ton or more of lead a year, lowering the current threshold from one ton a year to include more sources. EPA estimates these proposed changes would collectively expand the existing lead monitoring network by approximately 140 sites. EPA is not reconsidering, or delaying the implementation of, the 2008 lead standards. As of January 1, 2010, states need to deploy lead monitors around sources emitting at least one ton of lead a year.

The EPA is honing in on airports that have piston-engine, GA aircraft. The proposal states that airports will be treated identically to other sources of lead when determining if source-oriented lead monitoring is needed. The EPA appears to be open to alternative suggestions, however, and is seeking data that may be useful in setting an alternative emission threshold for airports. AAAE submitted comments to the EPA on February 16, 2010. In the comments, AAAE outlined several issues of concern with the proposed revisions and offered suggestions toward working with the EPA to build a future which includes a more environmentally-friendly alternative to leaded fuel at a rate that would not jeopardize fuel prices, unnecessarily increase cost, or sacrifice the safety of the GA industry. We also wanted to make certain that the intent of monitoring ambient air was done in a constructive way, stressing the importance of monitor placement.

AAAE SUBMITS COMMENTS ON EPA'S DEICING RULEMAKING PROPOSAL

On February 26, 2010, AAAE submitted comments to the EPA addressing concerns regarding the cost and operational implications of the proposed Effluent Limitation Guidelines and New Source Performance Standards for the Airport Deicing Category rule, which would regulate runoff of aircraft deicing fluid.

The proposed rule was aimed to make deicing practices on aircraft and runways more environmentally friendly, while AAAE and other associations wanted to ensure that runway safety would be continued. The EPA stated that discharges from deicing operations at airports can have an impact on water quality, wildlife, and lead to drinking water contamination. The EPA's proposal includes requirements for control of wastewater associated with deicing of aircraft and runways at more than 200 commercial airports around the U.S.



AAAE President Chip Barclay sat down in January with Hank Krakowski, Chief Operating Officer for the Air Traffic Organization at the Federal Aviation Administration, to discuss air traffic control issues including NextGen and runway safety.



EFFLUENT LIMITATIONS GUIDELINES RULEMAKING

EPA's Proposed Rulemaking, EPA-HQ-OW-2004-0038 FRL-8948-2, Effluent Limitation Guidelines (ELG) and New Source Performance Standards (NSPS) for the Airport Deicing Category

Background

- Published August 28, 2009
- Airports discharge stormwater under individual permits or EPA's Multi-Sector General Permit for Stormwater Associated with Industrial Activity (MSGP)
- All deicing management plans must correspond with airport's Stormwater Pollution Prevention Plan (SWPPP)
- Basis of the proposed limitations, keep deicing chemicals, e.g. ethylene glycol and propylene glycol in stormwater runoff to a minimum
 - o Comment period ended February 26, 2010

EPA Proposed Rule

- Threshold > 1,000 annual jet departures AND > 10,000 annual departures
- Requires capture of 60% or 20% Aircraft Deicing Fluid (ADF) depending on usage:
 - < 460,000 gallons of ADF = 20% capture (glycol recovery vehicle)
 - ≥ 460,000 gallons of ADF = 60% capture (deicing pad)
 - Restricts urea use for 50 airports
 - Requires airports to report ADF usage on permit renewal application



AAAE's Director of Regulatory Affairs, Leslie Riegle, sits down with Rafe Petersen, Partner at Holland & Knight LLP to discuss AAAE's comments that were submitted to the EPA in regards to the Proposed Effluent Limitation Guidelines Rule for Airport Deicing.

AAAE RESPONSE TO EPA PROPOSAL

- ADF Collection/Threshold
 - AAAE wants to ensure small, southern airports would not be unfairly treated
 - Airports may fall in/out of EPA proposed threshold based on annual jet and total departure numbers throughout the year as written
 - EPA's estimates of ADF usage seem to be inaccurate, overstating benefits of proposal and understating cost
- New Source Definition
 - AAAE does not believe a new runway should be considered a "new source"
- Cost Underestimation
 - Many costs omitted or underestimated e.g. infrastructure, storage, consultants
 - EPA assumes those that have existing infrastructure/equipment have no cost
- Operational/Safety Impacts
 - EPA must consider all operational and safety impacts as well as airport inefficiencies that may result from compliance to proposal
- Compliance Timeframe
 - EPA proposed compliance date of 30 days after promulgation
 - AAAE recommendation: 3 years to allow permit writers time to develop technical specifications to demonstrate compliance and allow airports time to prepare for compliance
- Essential Ban on Urea
 - In many cases there is not a suitable replacement; alternatives are costly

Leslie Riegle, director of regulatory affairs for AAAE, with assistance from Mr. Rafe Petersen, a partner in the government section of Holland & Knight who primarily practices in the area of environmental compliance and litigation, compiled association membership feedback in order to analyze and consequently file comments to the EPA.

We reminded the EPA that safe airport deicing procedures must remain paramount to winter weather practices. Currently the aviation industry must adhere to a number of regulations and measures, in the form of FAA Advisory Circulars (ACs), orders, and engineering technical letters, for deicing, as well as meet their EPA general (or individual) permit limitations. Some airports may already meet these proposed ELG requirements through their permits and we believe meeting these stringent regulations should be more than environmentally adequate without being economically taxing or unnecessarily laborious to the airport. AAAE believes that the EPA must consider all costs involved with this proposal, especially in regards to added infrastructure. In addition, the EPA needs to understand the regulatory environment that these facilities operate in, as well as the complexities that exist within the operational environment at an airport.

As the EPA moves toward publishing the final rule, we will keep members apprised of any opportunities for further comment or advocacy. The rulemaking will be a large point of discussion with members at the upcoming AAAE/Great Lakes Chapter Environmental Management Conference in June. We are also combining our traditional deicing conference with the Northeast Chapter Large Hub Winter Operations Conference, which will be held in Atlanta this August. After the rulemaking is finalized, we will focus on educating and assisting with members on compliance issues.

AIRPORT COOPERATIVE RESEARCH PROGRAM (ACRP)

The Airport Cooperative Research Program (ACRP) Oversight Committee (AOC) met in late January to discuss and select a specific subject for targeted, strategic ACRP research. The AOC has selected airport maintenance and operations as the focus area for the FY2011 program. The following is a description for this targeted subject area:

This area covers the processes, use, practices, performance measures, and preservation of assets such as buildings, equipment, personnel, and other resources necessary to move people (passengers), aircraft, and commodities (cargo) through an airport system. This emphasis area involves the in-house or out-sourced application of personnel; technology, equipment, and innovation to improve practices that enhance safety and improve efficiency and effectiveness (e.g., reduce cost, maximize qualified competition, ensure open architecture, minimize proprietary limitations, and avoid early obsolescence).

Problem statements are being solicited for this focus area and are due to ACRP staff April 14, 2010. In addition, ACRP recently published Research Results Digest 5 (RRD), a report that compiles a list of 58 current and emerging issues facing the airport industry. The AOC is interested in encouraging problem statements that expand upon the topics identified in RRD 5 as well.

ACRP staff will be attending the AAAE annual conference to update members on ACRP initiatives and encourage participation.

DOT NEW CONSUMER RULE LIMITING AIRLINE TARMAC DELAYS GOES INTO EFFECT APRIL 21, 2010

In late December 2009, DOT Secretary Ray LaHood announced a new rule that significantly strengthens passenger protections by establishing a hard time limit after which U.S. airlines must allow passengers to deplane from domestic flights. The new rule prohibits U.S. airlines operating domestic flights from permitting an aircraft to remain on the tarmac for more than three hours without deplaning passengers, with exceptions allowed only for safety or security or if air traffic control advises the pilot in command that returning to the terminal would disrupt airport operations. Additionally, U.S. carriers operating international flights departing from or arriving in the United States must specify, in advance, their own time limits for deplaning passengers, with the same exceptions applicable. The rule also states that carriers are required to provide adequate food and potable drinking water for passengers within two hours of the aircraft being delayed on the tarmac and to maintain operable lavatories and, if necessary, provide medical attention.

US Airways, Delta, American, Continental and JetBlue have asked DOT for a waiver at New York's John F. Kennedy International Airport, Newark Liberty International, LaGuardia and Philadelphia International Airports. DOT is soliciting public comments on the waiver.

FAA UNVEILS AVIATION FORECAST FOR FISCAL YEARS 2010-2030

On March 9, 2010, the FAA unveiled the aviation forecast for fiscal years 2010-30 in conjunction with the 35th Annual FAA Aviation Forecast Conference. According to FAA, total system enplanements are expected to reach one billion by 2023.

The forecast notes that in 2009 total landings and takeoffs at combined FAA and contract towers were down 10.4 percent from 2008 and air carrier activity decreased by 6.9 percent while commuter/air taxi activity decreased by 13.8 percent. The fact sheet also states that general aviation activity dropped 11.7 percent while military aircraft activity rose 2.2 percent.

According to the forecast fact sheet, total mainline air carrier and regional enplanements are forecast to increase from 704.0 million in 2009 to 1.21 billion in 2030, an average annual rate of 2.6 percent. Additionally, domestic enplanements are projected to increase 0.4 percent in 2010 and then grow an average of 2.5 percent per year during the remaining 20-year forecast period, while international enplanements are forecast to increase 0.9 percent in 2010 and then grow an average of 4.1 percent per year for the rest of the forecast period.

DOT Secretary Ray LaHood said in a press conference, "A safe, efficient and vibrant aviation system is vital to our nation's economic health. We must find long-term solutions that will keep the U.S. aviation industry competitive and moving forward into the future."

FAA Administrator Randy Babbitt said that the forecast makes a strong business case for NextGen adding, "Without NextGen, we won't be able to handle the increased demand for service that this forecast anticipates."

AAAE was proud to act as a co-sponsor of the 35th Annual FAA Aviation Forecast Conference for the fifth consecutive year, which took place March 9-10, 2010 in Washington, DC. AAAE President Chip

Barclay welcomed attendees with FAA leadership on the first day of the program. The Forecast Conference provides an opportunity for leaders in aviation from government and industry to come together and exchange their views for aviation's future.



AAAE President Chip Barclay joined FAA leadership in welcoming attendees to the 35th Annual FAA Aviation Forecast Conference held March 9-10 in Washington DC. AAAE was proud to be a co-sponsor of the Forecast conference for the fifth consecutive year.

US AND EU REACH AGREEMENT ON STAGE TWO OF OPEN SKIES TALKS

On March 25, 2010, DOT announced that the United States and the European Union (E.U.) reached an agreement on an expansion of the 2007 Open-Skies agreement between the two nations. According to DOT, the new agreement underscores the importance of close transatlantic cooperation on aviation environmental matters in order to advance a global approach to global challenges. It was reached after eight rounds of talks, the most recent of which included three days of talks in Brussels, Belgium,

The new agreement affirms that the terms of the 2007 agreement will remain in place indefinitely. It also deepens U.S. and E.U. cooperation in aviation security, safety, competition, and ease of travel, as well as provides greater protections for U.S. carriers from local restrictions on night flights at European airports. The agreement also includes a ground-breaking article on labor standards in the airline industry.

The original April 2007 agreement eliminated restrictions on services between the U.S. and E.U. member states, allowing airlines from both sides to select routes and destinations based on consumer demand for both passenger and cargo services, without limitations on the number of U.S. or E.U. carriers that can fly between the two parties or the number of flights they can operate.

The U.S.-E.U. Open Skies Agreement will be addressed at the Second Transatlantic Aviation Issues Conference, to be held in Brussels, Belgium, June 29 - July 1, 2010, and presented by AAAE, the International Association of Airport Executives (IAAE) and the

General Aviation Manufacturers Association (GAMA), in collaboration with the European Commission (EC) and EUROCONTROL. The conference will bring together leaders from governmental agencies, airports and airlines, manufacturers and general aviation, as well as the political leadership of Europe and the United States, to discuss current challenges and look ahead to future ones. The theme of the conference is "U.S.-E.U. Cooperation at a Crossroads."

FAA RELEASES CALL TO ACTION FINAL REPORT

In February, the FAA released the Agency's final report "Answering the Call to Action on Airline Safety and Pilot Training". This report illustrated the efforts of the FAA since June 2009 to enhance safety for passengers who fly on all carriers in the wake of the February 12, 2009, Colgan Air crash outside of Buffalo New York. FAA Administrator Randy Babbitt said in a statement, "The report lays out our initial actions to improve and revise pilot training and to develop an effective pilot fatigue rule. We also share what we have done to begin what must be an ongoing dialogue with airlines and unions to strengthen professionalism in the aviation industry and create mentoring programs for our nation's pilots." The full report is available at www.faa.gov.

FAA RELEASES FINAL REPORT ON TRENDS IN WILDLIFE STRIKE REPORTING

In January, the FAA released its final report, "Trends in Wildlife Strike Reporting, Part 1—Voluntary System 1990-2008," and "Wildlife Strike Reporting, Part 2—Sources of Data in Voluntary System." The report is the first of a two-part study focused on the subject of reporting wildlife strikes with civil aircraft in the U.S. Currently, reporting of wildlife strikes with civil aircraft in the U.S. is voluntary but strongly encouraged in by FAA. The report was compiled to meet the following objectives:

- examine the trends in strike reporting from 1990-2008 in order to determine if the percentage of strikes reported to the FAA for inclusion in the National Wildlife Strike Database is on the rise;
- document trends in the percent of strikes reported to the FAA that provided a species identification, which is "the most critical piece of data in a strike report" according to FAA; and,
- assess if the strike data presently collected under a voluntary system are adequate for understanding the problem of wildlife strikes in the U.S. or if additional measures, such as mandatory strike reporting, should be taken.

FAA has initiated a rulemaking project that will require certificated airports to conduct Wildlife Hazardous Assessments (WHAs) and periodically update them. AAAE will monitor these wildlife NPRMs closely. As they are published, AAAE will be hosting a series of webinars in order for airports to understand the proposed rules, and address questions in a timely manner. There will also be a session on wildlife management at AAAE's upcoming annual conference.

SAFETY MANAGEMENT SYSTEMS FOR AIRPORTS (SMS)

The FAA continues to move forward to introduce Safety Management Systems (SMS) at airports to adopt procedures to harmonize U.S. regulatory requirements with ICAO mandates. AAAE staff will continue to monitor and work with FAA on the development of a proposed rulemaking and key related issues such as funding and disclosure of information. In mid-December, the FAA announced that it will be conducting an Airport SMS Implementation Study. This

study will examine how airports implement the elements of the safety risk management and safety assurance components throughout their airfield environment (movement and non-movement areas) and will also evaluate the validity of original SMS deliverables developed during the first study.

We are working with the FAA on the timing of educational outreach to members in 2010 in partnership with Airports Council International-North America (ACI-NA) and the Airports Consultants Council (ACC). FAA is expected to issue a NPRM at the end of this year.

FAA "FLYING IN ICING CONDITIONS" FACT SHEET NOW AVAILABLE

Over the past 15 years, the FAA has taken many short-and long-term safety actions to improve the safety of aircraft that encounter icing conditions on the ground and in flight. A new fact sheet, Flying in Icing Conditions, is available on the FAA website. This gives background information of this issue, FAA Actions that have been made since 1996, a summary of which rules is currently in progress, as well as a glossary of icing terms commonly used in aviation.

EPA UPDATE ON CLEAN AIR ACT PERMITS FOR STATIONARY SOURCES

On March 29, 2010, the EPA announced that previously determined stationary sources will only be required to obtain Clean Air Act permits that cover greenhouse gases (GHGs) after January 2011. The EPA has focused its GHG permitting requirements on the largest sources in the near term and has allowed for a phased-in approach. The agency will make a decision later this spring on the amount of GHGs facilities can emit before having to include limits for these emissions in their permits.

This action is the final step in EPA's reconsideration of the December 18, 2008 memorandum entitled "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program." The final action clarifies when GHGs and other pollutants are covered under Clean Air Act permitting programs.

NEW AND UPDATED ADVISORY CIRCULARS, NOTICES AND RULEMAKINGS

- *FAA Draft Advisory Circular (AC) 150/5345-3G, Specification for L-821 Panels for Remote Control of Airport Lighting*
This specification sets forth the manufacturing requirements for panels to be used to control various airport lighting and auxiliary systems. The FAA recommends the guidelines and standards in this AC for L-821 Airport Lighting Panels. This AC does not constitute a regulation and in general is not mandatory. However, use of these guidelines is mandatory for L-821 Airport Lighting Panels funded under the AIP or Passenger Facility Charge (PFC) Programs. Mandatory terms such as "must" apply only to those who purchase L-821 Airport Lighting Panels using AIP or PFC funds and/or to those who intend to meet this specification for any other reason.
- *FAA Adds Addendum to Airport Lighting Equipment Certification Program AC*
On January 15, 2010 the FAA added an addendum to AC 150/5345-53C, Airport Lighting Equipment Certification Pro-

gram. The change, located in Appendix 1 adds Intertek Testing Services (Formerly ETL Testing Laboratories, Inc.) to the list of Third Party Certifiers. A full list of Third Party Certification Bodies (Third Party Certifiers) is available at www.faa.gov.

- *FAA Posts Update to AC Relating to Standards for Specifying Construction of Airports*
The FAA has posted the updated Advisory Circular, AC 150/5370-10E, Standards for Specifying Construction of Airports. To view the entire AC, see the FAA's website.
- *Advanced Notice of Proposed Rulemaking on New Pilot Certification Requirements for Air Carrier Operations*
The purpose of this notice is to gather information on whether current eligibility, training, and qualification requirements for commercial pilot certification are adequate for engaging in such operations. The FAA may use this information to determine the necessity of establishing additional pilot certification requirements and to determine what those new requirements might include.
- *FAA Publishes Final Rule on Filtered Flight Data*
This final rule improves the integrity and quality of the data recorded on digital flight data recorders while giving aircraft designers and operators more flexibility in system design and operation where allowable. For more information visit the FAA website.
- *FAA Publishes Engineering Briefs on Runway and Taxiway Separation Engineering*
 - Brief 81: Use of Guidance for Runway Centerline to Parallel Taxiway/Taxilane Centerline Separation for Boeing 747-8
 - Engineering Brief 80: Use of Interim Taxiway Edge Safety Margin Clearance for Airplane Design Group VI.

Save the Date for These Exciting 2010 Regulatory Affairs Conferences!

AAAE/GL Chapter AAAE National Aviation Environmental Management Conference
June 13- 15, 2010 | Baltimore, MD

Sixth Annual AAAE Aviation Air Quality Conference
June 15- 16, 2010 | Baltimore, MD

AAAE General Aviation Issues & Security Conference
June 29- July 1, 2010 | Morristown, NJ

AAAE/IAAE/GAMA Second Transatlantic Issues Conference
June 29-July 1, 2010 Brussels, Belgium

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The second round of information for the 2010 AAAE & ALA Federal Affairs Membership will be mailed out on May 1, 2010. Please watch your mailbox for this important membership! If you have questions regarding the AAAE & ALA Federal Affairs Membership contact gwen.papineau@aaae.org. We thank you for your support.

2010 AAAE & ALA FEDERAL AFFAIRS MEMBERS

(alphabetical listing as of April 8, 2010)

- Addison Airport
- Asheville Regional Airport Authority
- Aspen/Pitkin County Airport
- Baltimore/Washington Int'l Thurgood Marshall Airport
- Bangor International Airport
- Bert Mooney Airport Authority
- Billings Logan Int'l Airport
- Birmingham-Shuttlesworth Int'l Airport
- Capital Region Airport Authority
- Castle Airport
- Centennial Airport
- Chattanooga Metropolitan Airport
- Cherry Capital Airport
- Cheyenne Regional Airport
- Chicago Department of Aviation
- Chicago Executive Airport
- Chicago Rockford International Airport
- Cleveland Hopkins International Airport
- Coastal Carolina Regional Airport
- Colorado Springs Airport
- Columbus Regional Airport Authority
- County of San Bernardino
- Dallas/Fort Worth International Airport
- Denver International Airport
- Dothan RGNL
- Durango LaPlata County Airport
- El Paso International Airport
- Elmira-Corning Regional Airport
- Eugene Airport
- Evansville Regional Airport
- Fairbanks International Airport
- Fargo-Hector International Airport
- Flagstaff Pulliam Airport
- Florida Department of Transportation
- Fort Wayne International Airport
- Frederick Municipal Airport
- Friedman Memorial Airport Authority
- Gallatin Field Airport
- Gerald R. Ford International Airport
- Glacier Park International Airport
- Harrisburg International Airport
- Hartsfield-Jackson Atlanta Int'l Airport
- Huntsville International Airport
- Iowa Department of Transportation
- Jackson-Evers International Airport
- John Wayne - Orange County Airport
- Kalamazoo Battle Creek Int'l Airport
- Killeen-Fort Hood Regional Airport
- Kissimmee Gateway Airport
- Lafayette Regional Airport
- Laughlin/Bullhead Int'l Airport
- Lexington Blue Grass Airport
- Little Rock National Airport
- Los Angeles World Airports
- Louisville International Airport
- Massachusetts Port Authority
- MBS International Airport
- McAllen Miller Int'l Airport / City of McAllen
- Memphis International Airport
- Metropolitan Knoxville Airport Authority
- Metropolitan Washington Airports Auth.
- Miami International Airport
- Michigan Assoc. of Airport Execs.
- Missoula International Airport
- Monterey Peninsula Airport District
- Morristown Municipal Airport
- N.W. Arkansas Regional Airport Auth.
- Nantucket Memorial Airport
- Naples Municipal Airport
- Norfolk International Airport
- Norman Y. Mineta San Jose Int'l Airport
- Nut Tree Airport
- Outagamie County Regional Airport
- Phoenix Sky Harbor Int'l Airport
- Phoenix-Mesa Gateway Airport
- Pittsburgh International Airport
- Portland International Airport
- Quad City Int'l Airport
- Rapid City Regional Airport
- Redding Municipal Airport
- Reno-Tahoe Int'l Airport
- Rhode Island Airport Corp.
- Roanoke Regional Airport
- Rocky Mountain Metropolitan Airport
- Salt Lake City Int'l Airport
- San Angelo Regional Airport
- San Bernardino Int'l Airport
- San Diego County Regional Airport Auth.
- San Francisco Int'l Airport
- Santa Barbara Municipal Airport
- Sawyer International Airport
- Snohomish County Airport/Paine Field
- South Bend Regional Airport
- Southeast Texas Regional Airport
- Southern Illinois Airport Authority
- Southwest Chapter AAAE
- Springfield Airport Authority
- Springfield/Branson National Airport
- Tallahassee Regional Airport
- Tampa International Airport
- Ted Stevens Anchorage Int'l Airport
- Tri-Cities Airport
- Tri-Cities Regional Airport
- Tucson International Airport
- Tulsa International Airport
- Wichita Mid-Continent Airport
- Wilkes-Barre/Scranton Int'l Airport
- Will Rogers World Airport
- Wilmington International Airport
- Wyoming Department of Transportation
- Yampa Valley Regional Airport

2010 AAAE & ALA Federal Affairs Corporate Members

(alphabetical listing as of April 8, 2010)

- Airbus Americas Inc.
- BAA USA, Inc.
- Belstar, Inc.
- Concourse Concessions, Inc.
- Covenant Aviation Security
- FirstLine Transportation Security
- Lockheed Martin
- Rapiscan
- Reveal Imaging Technologies
- RS&H
- SITA
- Wiley Rein LLP