

AC NO: 150/5280-3

DATE: February 4, 1977



ADVISORY CIRCULAR

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

SUBJECT: FIRE FIGHTING EXEMPTIONS UNDER THE 1976 AMENDMENT TO THE
FEDERAL AVIATION ACT

1. PURPOSE. This circular outlines the type of information that may be used as justification in supporting petitions for exemption from a portion or all of the fire fighting and rescue requirements of Part 139 of the Federal Aviation Regulations (FARs) based upon P. L. 94-353.
2. APPLICATION. This information is provided for use by airport owners/operators holding or applying for airport operating certificates.
3. REFERENCES.
 - a. Part 139 of the Federal Aviation Regulations - - Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers.
 - b. Part 152 of the Federal Aviation Regulations - - Airport Aid Program.
4. HOW TO OBTAIN REFERENCED DOCUMENTS.
 - a. This Advisory Circular may be obtained, free of charge, from the Department of Transportation, Publications Section, TAD-443.1, Washington, D. C. 20590.
 - b. FAR 139 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402, by sending a check or money order in the amount of \$3.00 (.75 cents additional for foreign mailing), made payable to the Superintendent of Documents.
 - c. FAR 152 which also has one change may be obtained from Superintendent of Documents, U.S. Government Printing Office, Washington, D. C. 20402, by sending a check or money order in the amount of \$1.35 for the basic FAR plus \$.40 for change 1 (.75 cents additional for foreign mailing), made payable to the Superintendent of Documents.

Initiated by: AAP-710

5. BACKGROUND. Section 612 of the Federal Aviation Act of 1958 was amended by the Airport and Airway Development Act Amendments of 1976 authorizing the Administrator of the Federal Aviation Administration (FAA) to:
"...exempt any operator of an air carrier airport enplaning annually less than one quarter of 1 percent of the total number of passengers enplaned at all air carrier airports from the requirements imposed by Subsection (b) of this Section relating to fire fighting and rescue equipment if he finds that such requirements are, or would be, unreasonably costly, burdensome or impractical."
6. DISCUSSION. The Act allows for petitions for exemption to be considered if they address the unreasonably costly, burdensome or impractical aspects of compliance with fire fighting requirements. Directly or indirectly, all of the aspects relate to recurring operating expenses primarily involving salaries for fire fighters. Consequently, to the extent that manning levels can be reduced, operating costs can be reduced also. Below are some means by which this may be accomplished without affecting the level of safety established by the certification requirements. For any method considered feasible, the appropriate airport certification office should be contacted for details on implementation. Through such contact the airport operator can be assured of having a full understanding as to the manner in which the crash fire rescue operation should be conducted for certification compliance at his airport.
- a. Volunteers. FAR Part 139 requires that trained personnel be available to operate fire fighting vehicles at those times in which air carrier aircraft operations take place. Firefighters are not required to be professionals. Depending upon local conditions, it may be possible to utilize, on a volunteer basis, airport and tenant personnel trained to man the equipment.
- b. Vehicle Replacement. Modern fire fighting vehicles can be operated by one or two persons in meeting the agent discharge requirements of FAR Part 139. Many of the older vehicles require more people to accomplish this. As replacement of old vehicles becomes necessary, the selection of modern designs may allow operators to reduce their manning requirements and, at the same time, obtain more reliable pieces of equipment.
- c. Dual Purpose Personnel. Many airport operators have employed persons to serve in dual capacities to reduce the costs associated with providing fire fighting services. Most commonly, such persons serve in fire fighting/security, fire fighting/maintenance, and fire fighting/operations. When they do not comprise the full force, they augment full-time firefighters by manning the rapid response vehicle and/or assisting in operating the larger ones. Nonetheless, considerable savings can be realized through arrangements of this sort.

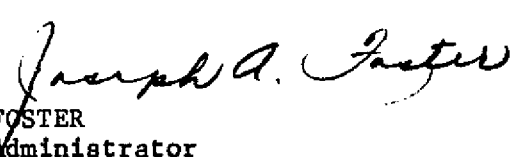
- d. Dual Purpose Fire Stations. Fire stations may be built on airports that serve both the needs of the community and the airport. The stations could be manned by dual trained personnel to fight structural and aircraft fires. If dual purpose stations can be established, the needs of the communities and the airports can be served with reduced costs to both parties.
- e. Providing Fire Protection Compatible with Aircraft Length. There may be periods during the day when air carrier operations are conducted only with aircraft applicable to fire fighting indices less than that assigned to the airport. At these times, it may be of a cost saving benefit if only the equipment applicable to the index of aircraft involved in the operation is provided.
- f. Stand-by Coverage. At those locations where there are relatively infrequent aircraft operations, it may be feasible for another fire fighting agency to provide stand-by coverage. Normally, the necessary equipment is positioned at a location compatible with certification response time requirements 15 minutes prior to an air carrier operation and remaining in place until 15 minutes afterwards. The main consideration in an arrangement of this sort is whether or not the persons standing by are trained in aircraft fire fighting techniques.
- g. Military Support. Military units located on airports often provide assistance by providing fire protection for air carrier operations from their own resources. The manner in which assistance is provided is normally set forth in a written agreement with the unit's Commander and the airport operator as signatories. Some airports are fortunate in having military units with 24-hour missions, seven days a week, that provide coverage for certification compliance. However, regardless of the hours of their activities, military units should not be overlooked as possible sources of support. Even weekend coverage could be of financial benefit to the airport operator.
- h. Contractual Fire Fighting Services. In some instances, local conditions make it feasible for airport management to seek fire fighting services outside of its resources and/or those of its sponsoring governmental body. Private companies exist that may provide such services on a contractual basis at reduced costs.

7. CONTENTS OF REQUESTS FOR EXEMPTION.

- a. Effect of Compliance with Requirements upon the Airport/Community. Discuss the manner in which compliance with fire fighting requirements are or would be unreasonably costly, burdensome or impractical. Give the specific requirement(s) that is the source of the difficulty and the level to which fire fighting services can be provided without the airport or community experiencing hardships.
- b. Airport Self-Sufficiency. Airport operators that have acquired fire fighting equipment and facilities with Federal assistance have made assurances to the FAA that they will maintain fee and rental structures for facilities and services which will make their airports as self-sustaining as possible. Petitions for exemption should contain evidence that the fee and rental structures have been revised to offset the costs of providing fire fighting services. They should indicate the reasons why the revenue structures were not or cannot be revised.
- c. Fire Fighting Costs.
 - (1) Cost Substantiation. Substantiate the current expenditures for the fire fighting operation and those of the year preceding the implementation of the Certification Program, May 1973. The figures furnished should reflect fire fighting cost only. For example, if such costs are a part of a larger operation or if salaries are paid to personnel serving in dual capacities (fire fighting/security, fire fighting/maintenance, etc.), only the costs for fire fighting should be given. Further, give the costs that would be incurred in meeting only the minimum requirements for certification compliance.
 - (2) Cost Comparison. In supporting contentions of rising and unreasonable costs, provide evidence that will allow for a comparison between fire fighting costs and those of all other airport operations.
 - (3) Cost Reduction. Give the measures that have been taken to reduce present fire fighting costs recognizing the minimums required for certification compliance. If salaries for firefighters is the influencing factor for the submission of the petition, indicate the salary each firefighter receives. Also, describe the efforts that have been made to provide fire fighting services by alternative means and the results of those efforts.

- d. Fire Fighting and Rescue Vehicles. Give the number of vehicles on hand and the agent carrying capability of each as compared to the requirements for the airport's index. Also, include the amount of equipment available prior to the implementation of the Airport Certification Program.
- e. Anticipated Cost Savings. Give the cost savings anticipated if the exemption is granted and the rationale supporting that determination.
- f. Proposed Use or Disposition of Equipment and Facilities. As it relates to equipment and facilities acquired with Federal assistance, indicate the manner in which it is proposed that these items be utilized or disposed of if they, as a whole or in part, are no longer needed for certification purposes as a result of the exemption being granted.

NOTE: A determination to the effect that property acquired with Federal assistance is no longer needed for present or future airport purposes may necessitate an amendment to or a release from the agreement under which Federal assistance was granted. Further, such property should be utilized and disposed of in accordance with the provisions of Appendix L of FAR Part 152. Detailed information in these matters may be obtained from the FAA Airports District Office or Regional Office, as appropriate, serving the area in which the airport is located.


JOSEPH A. FOSTER
Assistant Administrator
Office of Airports Programs

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
Washington, D.C. 20591

Official Business

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
FEDERAL AVIATION
ADMINISTRATION
DOT 515

