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Part IV

**Department of
Transportation**

Federal Aviation Administration

**14 CFR Part 139
Airport Certification; Amendment of the
Compliance Date for Signs Identifying
Taxiing Routes; Final Rule**

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 139**

Docket No. 24812; Amdt. No. 139-201

RIN 2120-AF26

Airport Certification; Amendment of the Compliance Date for Signs Identifying Taxiing Routes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This final rule amends a final rule issued without notice based upon comments received in response to that final rule. This final rule amends the compliance date for certain sign requirements required under the Federal Aviation Regulations (FAR) for airports certificated under 14 CFR part 139. The compliance date for these sign requirements expired on January 1, 1994. This amendment will provide the time necessary for industry to manufacture and airport operators to install the required signs.

EFFECTIVE DATE: February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. William DeLoach, Safety and Compliance Division (AAS-300), Office of Airport Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8723.

SUPPLEMENTARY INFORMATION:**Background**

On November 18, 1987, the FAA published a final rule (52 FR 44276) revising and reorganizing 14 CFR part 139 that became effective on January 1, 1988. The revision included modified requirements, as contained in § 139.311, pertaining to markings and lighting. On October 18, 1988, 14 CFR 139 was amended (53 FR 40842) to, among other things, establish January 1, 1991 as the compliance date for the marking and lighting requirements in § 139.311. After the amendment establishing the 1991 compliance date for § 139.311, however, the FAA decided to revise the guidance material on one aspect of the marking requirements. The FAA undertook to revise the advisory circular (AC) related to signs identifying taxiing routes on the movement area (§ 139.311(a)(3)). The FAA wanted to resolve the controversies regarding the type and design of airfield signs, applications, colors, and other matters. In addition, because of the global nature of aviation, the FAA wanted its sign standards to be consistent with the ones being

considered by the International Civil Aviation Organization (ICAO) for installation at airports throughout the world.

Operators of certificated airports were informed of this revision and encouraged to wait for publication of the revised AC before attempting to comply with the requirements of § 139.311(a)(3). This was to preclude installation of signs identifying taxiing routes on the movement area where significant changes were being considered.

The process of revising the sign standards was further complicated by the involvement of the International Civil Aviation Organization (ICAO). As noted above, ICAO was developing international airport sign standards during the period the AC was being revised. To make sure the United States was in conformity internationally, the FAA met with the ICAO to help develop standardization and consistency of airport signs. This precluded the FAA from issuing its revised AC on sign standards until after the ICAO working group made recommendations for revised airport sign standards.

The ICAO working group did not make its recommendations until May of 1991, months after the January 1, 1991 compliance date set out in § 139.311(f). Prior to the deadline, however, the FAA began issuing exemptions to those airport operators requesting them, and advised airport operators against installing signs solely for the purposes of complying with § 139.311(a)(3). Airport operators were urged to wait until the FAA issued the revised AC.

On July 31, 1991, the FAA issued its revised AC entitled "Standards for Airport Sign Systems." The FAA estimated that it would take several years at a minimum for certificated airports to comply with § 139.311(a)(3) because of the lead time required to produce and install the new sign systems. Hence, certificated airports, through no fault of their own, would not be able to meet the requirements of § 139.311(a)(3) for several years. The FAA decided that instead of issuing approximately 600 exemptions, the appropriate response was to revise the regulations to extend the compliance date for § 139.311(a)(3). The 1991 date for compliance for the other marking and lighting requirements was retained.

On April 24, 1992, the FAA issued a final rule (57 FR 15162) extending the compliance date with § 139.311(a)(3) to January 1, 1994. The FAA knew that this was a very ambitious target date. Therefore, in this final rule, which was issued without a prior notice of proposed rulemaking, the FAA

requested comments from the public as to the reasonableness of the new deadline. This was done to allow the FAA the opportunity to further extend the compliance date if necessary. The FAA received two comments; one from the Air Line Pilots Association (ALPA) and one from the State of Alaska Department of Transportation and Public Facilities (Alaska). ALPA supported the extension and encouraged the FAA to remain steadfast in its implementation of § 139.311(a)(3). Alaska had several concerns with the established compliance date of January 1, 1994. First, Alaska stated that they had 27 certificated airports that needed to be brought into compliance. Due to the high demand for signs across the country, manufacturers would not be able to provide the materials to these 27 airports in a time frame which would allow them to meet the new deadline. Alaska also was concerned with securing the funding necessary to install new signs by January 1, 1994. Because they rely almost entirely on federal Airport Improvement Program (AIP) funds for all capital improvement projects, they would have to defer other, more critical, safety related projects in order to meet the new signage installation timeframe. Therefore, Alaska recommended that, at the earliest, the installation timeframe be January 1, 1996.

The FAA agrees substantially with both commenters. While it is important that every reasonable effort be made to come into compliance with § 139.311(a)(3), a realistic date is necessary to adequately provide time for industry to manufacture, and applicable operators to install, sign system on their airports consistent with the revised AC.

The FAA has determined that the very ambitious January 1, 1994, compliance deadline was unrealistic. Despite the extraordinary efforts by both the FAA and operators of part 139 certificated airports, full compliance has not been possible. An extensive survey by the FAA in the fall of 1993 indicates that approximately 60% of certificated airports will be in compliance with § 139.311(a)(3) on January 1, 1994. The other 40% of certificated airports are working hard towards compliance. The first step that an airport must do is develop a sign plan in conjunction with airport users and submit it to the FAA for review and approval. This process has been completed and all certificated airports now have approved signs plans.

The FAA has concluded that a combination of factors has prevented airports from full compliance. First, there are only a handful of manufacturers of airport signs. As a

result, these manufacturers have order backlogs. Once the signs are ordered, it takes approximately 12-16 weeks for sign delivery.

Second, implementing the new sign system requirements typically involves much more than just ordering and erecting the new signs. Installation at many of the certificated airports requires electrically rewiring circuits for the runways, taxiways, and signs because the existing systems cannot handle the increased electrical loads. In some cases new electrical vaults need to be constructed. In other cases, electric lines have to be installed where none now exist. This wiring can encompass significant construction; frequently the wires have to be installed across runways, taxiways, and other paved areas. This signage and electrical work is further complicated by the need to keep the runways and taxiways operational during construction to the maximum extent possible. An additional factor is the varying construction seasons from region to region. In some areas the traditional construction season has been affected by unusual weather disasters, such as the major flooding that occurred during the summer of 1993 in the midwest.

Finally, many airports have had to redesignate taxiways that previously had nonstandard designations. All taxiways on airports certificated under part 139 will now be designated by a letter(s) of the alphabet or alpha numeric(s). The process of renaming taxiways increases the scope of the signage work and requires additional time to phase in to assure that users have adequate time to familiarize themselves with the new designations.

The FAA has concluded that a further extension until January 1, 1995, for compliance with the sign installation requirements of § 139.311(a)(3) is necessary and reasonable. The time extension will obviate the need for numerous exemptions to airport operators. This extension is not expected or intended to delay the date by which the actual signage work will be completed. The FAA does not intend to grant any further extension to the rule deadline.

International Civil Aviation Organization (ICAO) and Joint Aviation Regulations

The FAA has determined that a review of the Convention on International Civil Aviation Standards and Recommended Practices is not warranted because this rule merely extends the compliance date of an earlier final rule that incorporated the recommendations and standards

proposed by ICAO for new sign systems through Advisory Circular 150/5340-18C entitled "Standards for Airport Sign Systems."

Paperwork Reduction Act Approval

This final rule will not change the reporting requirements. Therefore, in accordance with the Paperwork Reduction Act of 1980, (Pub. L. 96-511), there are no additional requirements for information collection associated with this final rule.

Economic Evaluation

The FAA has determined that this rule is not significant as defined by Executive Order 12866. Therefore, no Regulatory Impact Analysis is required. Nevertheless, in accordance with Department of Transportation policies and procedures, the FAA has evaluated the economic and technical feasibility of this final rule, which is summarized below.

This final rule amendment would amend the compliance date for certain airport signs required by the FAA from January 1, 1995. The current rule has a deadline of January 1, 1994. Approximately 40% of the certificated airports are still not able to comply for reasons beyond their control.

This rule will not impose any costs on society by extending the compliance date. There will be no incremental costs associated with this final rule since only the date for compliance is being extended. The FAA has concluded that there will be no degradation of safety as all certificated airports have installed the more critical safety-related signs required under part 139. In addition, the 40% of certificated airports that have not yet installed the remaining required signs are working on an expedited basis to remedy the situation.

The FAA has concluded that the rule change will be cost beneficial because unquantifiable benefits in the form of less disruption and more opportunities for minimizing compliance costs for airport operators can be achieved without compromising airport safety.

International Trade Impact Analysis

This rule will affect domestic airport operators, primarily. The rule will have no impact on trade for U.S. firms doing business overseas or for foreign firms doing business in the United States. There are no expected additional annual costs associated with this rule and, therefore, it should not create an economic disadvantage to either domestic or foreign air carriers operating in the United States.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily burdened by government regulations. The RFA requires a Regulatory Flexibility Analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The FAA's criterion for a "substantial number" is a number that is not less than 11 and that is more than one third of the small entities subject to the rule. The size threshold annualized cost level in December 1983 dollars is \$5,400 for airports. Using the GNP Price deflator and adjusting to 1990 values, this threshold becomes \$7,387.

The rule is of a cost-relieving nature and would therefore afford cost savings to small airport sponsors. The impact of the cost of complying with the sign requirements are expected to be quite small, however, since operators will still be expected to meet the same requirements.

Federalism Impact

The final rule adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this final rule is not significant under Executive Order 12866; nor is it significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11934, February 26, 1979). It is certified that under the criteria of the Regulatory Flexibility Act this rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. Because of the negligible costs resulting from this rule, the FAA has determined that the expected impact of these regulations is so minimal that they do not warrant a full regulatory evaluation.

Reason for Immediate Adoption

This rule is being adopted immediately in response to comments received on an earlier issued final rule without prior public notice and comment. This rule requires immediate adoption to amend and expired

regulatory compliance date, which has been an unintended burden on airport operators. By immediately adopting this amendment, the FAA alleviates the burden and cost to airport operators to request, and the FAA to process, petitions for exemption. As stated above, an amendment of the compliance date is necessary to adequately provide time for industry to manufacture and applicable airports to install sign systems.

List of Subjects in 14 CFR Part 139

Air carriers, Airports, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

Accordingly, the FAA amends part 139 of the Federal Aviation Regulations (14 CFR part 139) as follows:

PART 139—[AMENDED]

1. The authority citation for part 139 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a) and 1432; 49 U.S.C. 106(g).

2. Part 139 is amended by revising § 139.311(f) to read as follows:

§ 139.311 Marking and Lighting.

* * * * *

(f) Notwithstanding paragraph (a) of this section, a certificate holder is not required to provide the identified signs in paragraph (a)(3) of this section until January 1, 1995. Each certificate holder shall maintain each marking system that meets paragraph (a)(3) of this section.

David R. Hinson,
Administrator.

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