

Federal Aviation Regulations

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PART 107—
Airport Security

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DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION



Introductory Note

Part 107, effective March 18, 1972, is codified under Subchapter F, A
Traffic and General Operating Rules, of Title 14, of the CODE OF FEDERAL
REGULATIONS.

Part 107—Airport Security

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Part 107—Airport Security

Adopted: March 16, 1972

Effective: March 18, 1972

(Published in 37 F.R. 5689, March 18, 1972)

The purpose of this Part is to provide certain aviation security standards for operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in intrastate common carriage covered by § 121.7 of this chapter, operating large aircraft (other than helicopters).

Interested persons have been afforded an opportunity to participate in the making of these regulations by a Notice of Proposed Rule Making (Notice 71-28) issued on September 28, 1971, and published in the Federal Register on September 30, 1971 (36 F.R. 19172). Due consideration has been given to all comments presented in response to that Notice. On March 9, 1972, the President announced that rule-making action to implement Notice 71-28 should be expedited.

Because of the recent alarming increase in hijacking, and the bomb threats and actual bombing of aircraft, the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce. Accordingly, it is essential in the interest of safety in air commerce, particularly in air transportation, to meet this emergency by requiring airport operators to immediately adopt and put into use facilities and procedures designed to prevent or deter unauthorized access to air operations areas.

Most of the commentators agreed with the objectives of the proposal, and some of them endorsed the proposal as made. However, some commentators questioned the need for additional regulations to accomplish these objectives, or opposed the proposal on the basis of the economic burden placed upon the airport operators unless the Federal Government would fund these costs. Still other commentators questioned the efficacy of rules on identification of vehicles and persons authorized access to air operations areas. However, the Administrator carefully considered these matters before issuing the Notice and found the proposals necessary, and with further consideration still finds them necessary, in order to meet the situation they are designed to remedy.

Some commentators questioned the Administrator's authority to issue the proposed rules and the effectiveness of the Federal role in support of airport security. However, the Administrator is fully empowered under sections 313(a), 601, and 606 of the Federal Aviation Act to issue these rules. This has been reinforced by the recent amendment to section 606 of the Act that makes it clear that air navigation facilities (covered by section 606) include airports. Thus, under section 601 of the Act, the Administrator has authority to impose civil penalties for a violation of these regulations.

One source of adverse comment was the proposal of § 107.3(a)(1)(iii), requiring the airport operator to include in its master security plan a 5-year plan for improving or establishing protection against unauthorized access to air operations areas, insofar as this would involve areas exclusively occupied or controlled by other persons under leases or other contractual agreements with the airport operator or owner showing a time schedule for each area designated. After careful consideration, it has been determined that this requirement should not apply to access, from a non-air operations area (such as terminal facilities) to an air operations area, when both are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program including prevention or deterrence of unauthorized access to its aircraft, under § 121.538. Otherwise, the rule requires the airport operator's plan to cover improving or establish-

ing protection against unauthorized access to air operations areas regardless of who occupies or controls those areas. The FAA also believes that the implementation of the plan must be accomplished as soon as practicable. In order to avoid the implication that a plan designed to be implemented over a period of 5 years will be acceptable in all cases, the reference to a "5-year plan" has been deleted.

Some commentators felt that the rule should have more specific guidelines for security programs, others felt that the rule should be flexible in this respect. Several commentators asserted that the submission of security programs should be made to the Administrator, not to the Regional Directors, in order to assure uniformity of application of the approval process. The latter suggestion has not been adopted because it is considered necessary to have the security programs submitted to the Regional Directors for the purpose of expediting the approval process. The FAA expects to issue guidelines for preparation and submission of the airport operators' security programs very shortly.

Pursuant to comments, the requirement of § 107.11 for identification of ground vehicles has been made inapplicable as respects emergency vehicles when responding to emergency situations while escorted by authorized vehicles with two-way contact with the control tower or established emergency control unit at the airport.

The Office of the Secretary of Defense requested the inclusion of a provision that would identify as the airport operator the operator of a civil air terminal and its surrounding civil air operations area, at military installations having joint-use agreements with civil agencies and where the installations are used to regularly service scheduled civil air carriers of the kind identified in § 107.1(a). The FAA has incorporated this position into the regulation.

Because of the emergency nature of the threat to the safety of persons and property carried in air commerce due to hijacking and bomb threats, I find that further notice and public procedure on this amendment are impracticable and contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, Title 14, Chapter I, of the Code of Federal Regulations is amended, effective March 18, 1972, by adding the following new Part 107 to Subchapter F.

(Sections 313(a), 601, 606, and 901 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1426, 1471. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c)).

Amendment 107-1

Law Enforcement Officers

Adopted: December 5, 1972

Effective: December 6, 1972

(Published in 37 F.R. 25934, December 6, 1972)

The purpose of these amendments to Part 107 of the Federal Aviation Regulations is to require that operators of airports covered by Part 107 provide for the presence of armed law enforcement personnel prior to and throughout the screening of passengers prior to boarding.

The two bizarre acts of air piracy over the past few weeks highlight the need for immediate action to reduce the vulnerability of U.S. civil air commerce to criminal and terrorist actions. In those two incidents, the lives of 66 persons were placed in severe jeopardy over many terror-filled hours at the hands of desperate criminals. One life was lost, and five persons were injured. Fortunately, tragedies of catastrophic proportions were averted.

In the first, an airline jetliner at Houston, Texas, was commandeered on October 29 by four alleged murderers and bank robbers who shot two airline employees, one fatally. Thirty-six innocent passengers and crewmembers faced death and endured extreme personal hardships and indignities. Twelve days later, on November 10, three wanted criminals took over a jet out of Birmingham, Alabama, and for more than 25 hours the lives of 30 passengers and flight crew and hundreds of people on the ground were in severe jeopardy. One crewmember was wounded and three passengers required hospitalization.

The President has directed that the present Civil Aviation Security Program be strengthened to meet the escalating threats of hijacking, extortion, sabotage, and terrorism against U.S. civil air commerce. The strengthened security measures ordered by the President recognize the proper delineation of responsibilities between the Federal Government, airlines, airports, and local law enforcement. Within this framework of shared responsibility, law enforcement personnel must be in place to support airline and airport security measures and to provide immediate response to actual or suspected violations of law. Accordingly, to meet these threats this amendment will require the airport operators to ensure that effective law enforcement support is provided during passenger screening prior to boarding aircraft.

Because of the emergency nature of the threat to the safety of persons and property due to hijacking, I find that notice and public procedure on these amendments are impracticable and contrary to the public interest and that good cause exists for making these amendments effective in less than 30 days.

In consideration of the foregoing, Part 107 of the Federal Aviation Regulations (14 CFR Part 107) is amended, effective December 6, 1972.

(Sections 313(a), 601, 606, and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1426, 1471; section 6(c) Department of Transportation Act; 49 U.S.C. 1655(c).)

Part 107—Airport Security

§ 107.1 General.

(a) This Part prescribes aviation security rules for the operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in intrastate common carriage covered by § 121.7 of this chapter, operating large aircraft other than helicopters, hereinafter called "airport operators."

(b) No airport operator may operate an airport in violation of the rules of this Part.

(c) For the purposes of this Part, "air operations area" means any area of the airport used or intended to be used for landing, take-off, or surface maneuvering of aircraft.

(d) For purposes of this Part at military installations having joint-use agreements with civil agencies and where the installations are used to regularly service civil air carriers of the type described in paragraph (a) of this section—

(1) The airport operator is the operator of the civil air terminal and its surrounding civil air operations area; and

(2) The air operations area is the area identified in the joint-use agreement to be under the control of the airport operator for civil air use.

(e) For purposes of this Part "law enforcement officer" means an armed person—

(1) Authorized to carry and use firearms;

(2) Vested with a police power of arrest under Federal, State, or other political subdivision authority;

(3) Identifiable by uniform, badge, or other indicia of authority; and

(4) Assigned the duty of providing law enforcement support for the pre-clear screening aspects of the security program filed by Part 121 certificate holders, foreign air carriers requesting such support, and for airport security programs.

§ 107.3 Security procedures and facilities on security program.

(a) Each airport operator shall comply with the following requirements:

(1) It shall immediately adopt and put into use facilities and procedures, designed to prevent or deter persons and vehicles from unauthorized access to air operations areas.

(2) It shall prepare in writing and submit for approval by the Administrator a security program including at least the following items and showing the means and procedures it uses or intends to use for implementing them:

(i) A master security plan that meet the following:

(a) Identifies separately each air operations area and each other area of the airport, including those areas exclusively occupied or controlled by another person under a lease or other arrangement with the airport operator or owner.

(b) Designates each area of the airport identified in subdivision (a) of this subparagraph that has no protection or has inadequate protection, against unauthorized access to air operations areas (such as inadequacy or lack of fencing, gates, doors with locking means, vehicular and pedestrian controls).

(c) Except as provided in subdivision (d), sets forth a plan for improv-

ing or establishing protection against unauthorized access to air operations areas showing a time schedule for each area designated under subdivision (b) of this subparagraph.

(d) Subdivision (c) does not apply to access from a non-air operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538 of this chapter.

(ii) Identification of authorized persons and ground vehicles under §§ 107.9 and 107.11 of this Part.

(b) Each airport operator shall submit its security program to the Regional Director for the region in which the airport is located. Each airport operator whose airport is in operation before March 18, 1972, shall submit its program no later than June 16, 1972. Each airport operator whose airport is not in operation before March 18, 1972, shall submit its program at least 90 days before the date of intended operations.

(c) Within 90 days after receipt of the program, the appropriate FAA Regional Director approves the program or notifies the airport operator to modify the program to comply with the applicable requirements of this Part. The airport operator may petition the Administrator to reconsider the notice to modify. The petition must be filed with the appropriate FAA Regional Director within 30 days after the airport operator receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

(d) Each airport operator shall maintain at least one complete copy of its approved security program at its principal operations office, and shall make it available for inspection upon the request of the Administrator.

§ 107.4 Law enforcement officers.

[Notwithstanding § 107.3(a)(2)(i) (7) each airport operator shall, not later than January 6, 1973, submit for approval by the Adminis-

trator an amendment to the master security plan included in its security program that sets forth facilities and procedures which ensure that as soon as possible, but in no event later than February 6, 1973—

[(a) At least one law enforcement officer is present at the point of, and prior to and throughout, the final passenger screening process prior to boarding, for each flight conducted by a certificate holder required to have a security program under § 121.538 of this chapter, and by each foreign air carrier that requests such law enforcement support;

[(b) The law enforcement officer is present continuously until all doors on the aircraft being boarded are closed and the aircraft has taxied away from the boarding area; and

[(c) The requirements of paragraphs (a) and (b) of this section are complied with in the event that the aircraft returns to the boarding area before takeoff.]

§ 107.5 Amendment of security program.

(a) The Administrator may amend any security program approved under this Part—

(1) Upon application by the airport operator, if the Administrator determines that safety in air transportation (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter) and the public interest allow the amendment of an approved program; or

(2) If the Administrator determines that safety in air transportation (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter) and the public interest require the amendment of an approved program.

(b) In the case of an amendment under paragraph (a)(2) of this section, the Administrator notifies the airport operator, in writing, of the proposed amendment, fixing a reasonable period (but not less than 7 days) within which it may submit written information, views, and arguments on the amendment. After considering all relevant material, the Administrator notifies the airport operator of

any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the airport operator receives the notice, unless it petitions the Administrator personally to reconsider the amendment, in which case its effective date is stayed by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation (or in air commerce, in the case of an airport serving a commercial operator engaging in intrastate common carriage covered by § 121.7 of this chapter), that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the airport operator receives notice of it. In such a case, the Administrator incorporates the findings, and a brief statement of the reasons for it, in the notice of the amended security program to be adopted.

(c) An applicant must file its application for an amendment of a security program with the FAA Regional Director in whose region the airport is located, at least 15 days before the date it proposes for the amendment to become effective, unless a shorter period is allowed by that office.

(d) Within 30 days after receiving from the FAA Regional Director a notice of refusal to approve the application for amendment, the applicant may petition the Administrator personally to reconsider the refusal to amend.

§ 107.7 Implementation of master security plan.

Each airport operator shall carry out the plan for improving or establishing protection against unauthorized access to air operations

areas, in the manner set forth in its master security plan included in its security program

§ 107.9 Identification of persons.

(a) Except as provided in paragraph (b) of this section, after approval of its security program each airport operator shall require all persons authorized access to any air operations area to have suitable identification of them when in that area.

(b) The requirement of paragraph (a) of this section does not apply to access from non-air operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538 of this chapter.

§ 107.11 Identification of ground vehicles.

(a) Except as provided in paragraph (b) of this section, after approval of its security program each airport operator shall require the operator of each vehicle authorized access to any air operations area to display visual identification (such as a large decal or sign) while operating in that area.

(b) The requirement of paragraph (a) of this section does not apply to—

(1) Any emergency vehicle when responding to an emergency situation while operating by a vehicle, authorized by the airport operator, that has two-way contact with the control tower or established emergency communication unit at that airport; and

(2) Access from a non-air operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538 of this chapter.