

VOLUME 10 AIR TRANSPORTATION OVERSIGHT SYSTEM

CHAPTER 1 GENERAL

Section 1 Air Transportation Oversight System Doctrine

10-1 PURPOSE. This section explains the underlying policy, concepts, and principles for the Air Transportation Oversight System (ATOS).

10-2 STATUTORY AUTHORITY. Title 49 of the United States Code (49 U.S.C.) and Title 14 of the Code of Federal Regulations (14 CFR) provide the statutory and regulatory authority for ATOS, respectively. Title 49 U.S.C. is broad in scope and contains the codified provisions of the Federal Aviation Act of 1958, which prescribes the powers and authorities of the Federal Aviation Administration (FAA). Title 14 CFR is prescriptive in nature and contains the specific requirements to obtain an air carrier operating certificate and standards for conducting related operations. ATOS is not a separate safety standard and does not impose additional requirements on air carriers. ATOS imposes only requirements that are either explicit or implicit in the statute or the regulations. ATOS provides FAA inspectors with standardized protocols to evaluate air carrier programs required by regulations to be approved or accepted by the Administrator. The following requirements in 49 U.S.C. subtitle VII, Chapter 447, Safety Regulation, are particularly pertinent to ATOS.

A. Title 49, Section 44702. Issuance of Certificates. “When issuing a certificate under this part, the Administrator shall consider the duty of an air carrier to provide service with the highest possible degree of safety in the public interest....”

B. Title 49, Section 44705. Air Carrier Operating Certificates. “The Administrator of the Federal Aviation Administration shall issue an air carrier operating certificate to a person desiring to operate as an air carrier when the Administrator finds, after investigation, that the person properly and adequately is equipped and able to operate safely under this part and regulations and standards prescribed under this part.”

10-3 POLICY STATEMENT OF THE FAA AS IT PERTAINS TO PROMOTING AVIATION SAFETY FOR AIR CARRIERS. ATOS is based on the explicit policy of the FAA, which states: “The FAA will pursue a regulatory policy, which recognizes the obligation of the air carrier to maintain the highest possible degree of safety.” ATOS implements FAA policy by providing safety controls (i.e., regulations and their application) of business organizations and individuals that fall under FAA regulations. Under ATOS, FAA’s primary responsibilities are: (1) to verify that an air carrier is capable of operating safely and complies with the regulations and standards prescribed by the Administrator before issuing an air carrier operating certificate and before approving or accepting air carrier programs; (2) to re-verify that an air carrier continues to meet regulatory requirements when environmental changes occur by conducting periodic reviews; and (3) to continually validate the performance of an air carrier’s approved and accepted programs for the purpose of continued operational safety.

10-4 ATOS CONCEPTS AND PRINCIPLES. ATOS relies on the following concepts and principles:

A. Definitions of Safety and Risk. Safety is the state in which the risk of harm to people or property damage is reduced to, and maintained at or below, an acceptable level through a continuing process of hazard identification and risk management. In this context, an air carrier's duty to provide service with the highest degree of safety in the public interest means that the air carrier must identify hazards in its operating environment and manage associated risks. Similarly, an air carrier's ability to manage risk is an important part of the FAA's determination to ensure that the air carrier is equipped to operate safely under 49 U.S.C. and the regulations and standards prescribed by 49 U.S.C.

B. System Safety. Properly designed systems control hazards by eliminating or mitigating associated risks before they result in accidents or incidents. In an operational context, air carriers fulfill their duties to provide service with the highest degree of safety in the public interest by designing their operating systems to manage hazard-related risks in their operating environments. These concepts are fundamental to ATOS.

C. Safety Attributes. The key to safety lies in managing the quality of safety-critical processes. This is a primary responsibility of an air carrier in meeting its regulatory obligations.

ATOS employs six safety attributes to evaluate the design of air carrier operating systems:

- 1) Procedures—Documented methods to accomplish a process.
- 2) Controls—Checks and restraints designed into a process to ensure a desired result.
- 3) Process Measures—Used to validate a process and identify problems or potential problems in order to correct them.
- 4) Interfaces—Interactions between processes that must be managed in order to ensure desired outcomes.
- 5) Responsibility—A clearly identifiable, qualified, and knowledgeable person who is accountable for the quality of a process.
- 6) Authority—A clearly identifiable, qualified, and knowledgeable person who has the authority to set up and change a process.

The attributes are not standards in and of themselves, but provide a structure for the tools used to collect data for principal inspectors so that they can make informed judgments about the design of an air carrier's operating systems (1) before approving or accepting them when required to do so by the regulations, and (2) during recurring assessments for continued operational safety.

D. Focus on an Air Carrier's Organization and Processes. In addition to issuing certificates, monitoring compliance, investigating noncompliance, and administering sanctions for noncompliance, FAA oversight must also focus on an air carrier's organization and process management. Outputs and outcomes are still monitored, but the emphasis is on maintaining a safe process or correcting deficiencies. Performance assessments must supply objective evidence of both the adequacy and inadequacy of processes.

E. Open System Perspective. A successful open system adapts to the needs of the environment and its resources. Safe operation in the modern aviation environment requires constant adaptation. Air carriers are obligated to provide systems that defend against the hazards of their operating environments, including adapting to changes in the environment. Data Collection Tools (DCT) should provide information on current environmental risks and on the air carrier's efforts to control them.

F. Data Sharing. The FAA is responsible for reaching an independent assessment of an air carrier's qualification to hold an operating certificate and its continuing ability to comply with regulations and standards. The FAA may accomplish its independent assessments using data provided by an air carrier or a third party. Data sharing and open communication optimize the function of the oversight system and leverage resources to advance safety.

G. Primary Stakeholder and Beneficiary. The United States public is the primary stakeholder and beneficiary of ATOS. The FAA carries out its safety mission with due regard to its accountability to the public. The high level of safety required by statute is in the interest of the public. FAA employees involved in ATOS are responsible to determine on behalf of the public that air carriers can provide service with the highest possible degree of safety.

H. Freedom of Information Act. Requests for records made under the Freedom of Information Act (FOIA) are processed in accordance with FAA, Department of Transportation and government wide directives and guidance. FAA Order 1270.1, FOIA Program, provides guidance that governs processing requests for FAA records under FOIA.

RESERVED. Paragraphs 10-5 through 10-19.