



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel

Enforcement Division, AGC-300  
800 Independence Ave., S.W.  
Washington, D.C. 20591

**U.S. CERTIFIED MAIL, RETURN-RECEIPT REQUESTED  
and FIRST-CLASS MAIL**

September 14, 2015

Fred Szabo  
Acting Director of Airports  
Cleveland Airport System  
5300 Riverside Drive  
P.O. Box 81009  
Cleveland, Ohio 44181

RE: City of Cleveland, Department of Port Control, Case No. 2015GL800037

Dear Mr. Szabo:

Based on the following facts and circumstances, it appears that the City of Cleveland, Department of Port Control (City of Cleveland) violated the regulations of the Federal Aviation Administration:

1. At all times material herein, the City of Cleveland was the holder of an Airport Operating Certificate, issued under 14 C.F.R. part 139, applicable to the operation of Cleveland Hopkins International Airport (CLE).
2. On Sunday, March 1, 2015, according to the local CLE Meteorological Terminal Aviation Routine Weather Report (METAR), snowfall began in the area of CLE at approximately 12:01 a.m. Eastern Standard Time (EST).
3. The National Weather Service forecast for the CLE airport area on March 1, 2015 estimated that there would be additional snowfall accumulations of 2-4 inches during the day with an additional inch during the evening hours subsiding by 11:00 p.m. EST.
4. The CLE METAR data for March 1, 2015 recorded that light snow fell throughout the day with periods of freezing fog observed beginning at 7:11 a.m. EST.
5. In addition, the airport surface sensor system on March 1, 2015 reported an "Ice Watch" warning from 8:44 a.m. EST through 11:15 p.m. EST, in the vicinity of Taxiway Papa at CLE.

6. On March 1, 2015, CLE's Field Condition Reporting System (FCRS) reported pavement areas in the vicinity of Taxiway Papa as "wet" and the temperatures hovering around freezing at 32.4 degrees Fahrenheit.
7. On March 1, 2015, CLE's FCRS reported field conditions for Runway 24L as one-half inch of snow on the runway for most of the morning, changing over to a report of "thin snow" at 9:55 a.m. EST.
8. On March 1, 2015, at 11:19 a.m., CLE's FCRS again reported field conditions as "thin snow" on Runway 24L.
9. 14 C.F.R. § 139.313 requires the City of Cleveland to operate under an FAA-approved Snow and Ice Control Plan (SICP).
10. Chapter 3 of the City of Cleveland's SICP sets forth the requisite number of operations employees and maintenance employees for snow removal operations.
11. Chapter 3, Paragraph 3.1, of the City of Cleveland's SICP requires the City of Cleveland to use the following snow coding system to ensure that there is sufficient staffing at CLE to carry out the requirements of its SICP:
  - a. A "Green" Snow Code is required when the weather forecast indicates up to one inch of dry or wet snow.
  - b. A "Green" Snow Code requires that the City of Cleveland have a staff of 4 airport operations employees and 20 field maintenance employees consisting of 18 operators and 2 unit leaders;
  - c. A "Yellow" Snow Code is required when the weather forecast indicates one to four inches of dry or wet snow.
  - d. A "Yellow" Snow Code requires that the City of Cleveland have a staff of 4 airport operations employees and 26 field maintenance employees consisting of 23 operators and 3 unit leaders; and
  - e. A "Red" Snow Code is required when the weather forecast indicates greater than four inches of dry or wet snow or freezing rain.
  - f. A "Red" Snow Code requires that the City of Cleveland have a staff of 5 airport operations employees and 34 field maintenance employees consisting of 30 operators and 4 unit leaders.
12. As a result of the weather forecasts, the City of Cleveland initiated a "Green" level Snow Code alert for CLE effective as of Saturday, February 28, 2015, at midnight.
13. As a result of the weather forecasts and deteriorating weather conditions, the City of

Cleveland upgraded the Snow Code to a “Yellow,” which went into effect at 7:00 a.m. EST on March 1, 2015.

14. During the 3<sup>rd</sup> shift (for operations personnel from 11:30 p.m. – 7:30 a.m. EST, and for maintenance personnel from 10:00 p.m. – 6:30 a.m. EST), which began on February 28, 2015, when a “Green” Snow Code was in effect, the City of Cleveland failed to comply with Chapter 3, Paragraph 3.1 of the SICP in that it had insufficient personnel on duty with only 4 out of the required 18 maintenance operators, 1 out of the required 2 unit leaders, and 3 out of the required 4 operations personnel on duty.
15. During the 1st shift (for operations personnel from 7:30 a.m. – 3:30 p.m. EST, and for maintenance personnel from 6:00 a.m. – 2:30 p.m. EST) on March 1, 2015, when a “Yellow” Snow Code was in effect, the City of Cleveland failed to comply with Chapter 3, Paragraph 3.1 of the SICP in that it only had 17 out of the required 23 maintenance operators, and 3 out of the required 4 operations personnel on duty.
16. During the 2<sup>nd</sup> shift (for operations personnel from 3:30 p.m. EST – 11:30 p.m. EST, and for maintenance personnel from 2:00 p.m. – 10:30 p.m. EST) on March 1, 2015, when a “Green” Snow Code was in effect, the City of Cleveland failed to comply with Chapter 3, Paragraph 3.1 of its SICP in that it had insufficient personnel on duty with only 3 out of the required 4 operations personnel on duty.
17. On March 1, 2015, the City of Cleveland failed to sufficiently staff CLE in accordance with its SICP as described in paragraphs 9-16 above.
18. The City of Cleveland failed to provide sufficient and qualified personnel to comply with the requirements of its SICP on the following dates:
  - a. January 5, 2015
  - b. January 6, 2015
  - c. January 7, 2015
  - d. January 9, 2015
  - e. January 11, 2015
  - f. January 22, 2015
  - g. January 25, 2015
  - h. January 26, 2015
  - i. February 1, 2015
  - j. February 2, 2015
  - k. February 4, 2015
  - l. February 5, 2015
  - m. February 14, 2015

- n. February 15, 2015
  - o. February 18, 2015
  - p. February 19, 2015
  - q. February 21, 2015
  - r. February 28, 2015
  - s. March 1, 2015
19. On March 1, 2015, at 8:43 a.m. EST, an Airbus 319 aircraft reported to air traffic control that Taxiway Papa had NIL braking action conditions.
  20. On March 1, 2015, at approximately 11:59 a.m., Air Wisconsin (AWI) Flight 3897 landed on Runway 24L.
  21. As AWI Flight 3897 exited Runway 24L at Taxiway Papa on March 1, 2015, the Local Air Traffic Controller cleared Express Jet (ASQ) Flight 5889 at 11:59 a.m. EST for takeoff on Runway 24L.
  22. The NIL braking surface conditions on Taxiway Papa on March 1, 2015 at or around 11:59 a.m. EST resulted in AWI Flight 3897 delaying its exit from Runway 24L at the intersection with Taxiway Papa.
  23. As a result of AWI Flight 3897's delay in exiting Runway 24L, the Local Air Traffic Controller canceled the takeoff clearance for ASQ Flight 5889 and issued a go-around instruction for inbound Delta Airlines Flight 1474, which was on a 3-mile final to Runway 24L.
  24. During the timeframe of the incidents referenced in paragraphs 19-23 above, CLE FCRS reported field conditions for all taxiways as "1 inch snow over rough, compacted snow and ice," with vehicle braking action reported as "poor to fair."
  25. Following the incidents referenced in paragraphs 19-23 above, the CLE FCRS report changed at 1:15 p.m. EST to "patchy snow and ice" on Runway 24L. It had previously been reported as "thin snow" at 11:19 a.m. EST.
  26. Chapter 3, Paragraph 3.4 of the City of Cleveland's SICP states: "In addition to the snow removal circuit routes, CLE has established a priority for the clearing of airfield pavement . . ."
  27. Chapter 3, Paragraph 3.4 of the City of Cleveland's SICP specifies the following prioritization plan for snow and ice removal:

- (a) Priority-1
    - The active instrument runway(s)
    - Associated turnoffs
    - Entrance and exit taxiways
    - Terminal ramps
    - ARFF station access
    - ARFF mutual aid access point
    - ARFF mutual aid gate operability check
  - (b) Priority-2
    - Secondary runway
    - Crosswind runway
    - Associated turnoffs and taxiways
    - Cargo ramps
  - (c) Priority-3
    - Remaining aircraft movement areas
28. At all times relevant to this Letter, Runway 24L was the Priority-1 runway as it was the active instrument runway in use at the time.
29. At all times relevant to this Letter, Taxiway Papa was a Priority-1 taxiway as it was an entrance and exit taxiway to the Priority-1 runway in use at the time.
30. On March 1, 2015, the City of Cleveland failed to carry out a snow and ice control plan as specified in its FAA-approved SICP, Chapter 3, Paragraph 3.4, in that it failed to prioritize for snow and ice removal on active instrument Runway 24L and the entrance and exit Taxiway Papa.
31. Chapter 4, Paragraph 4.4 of the City of Cleveland's SICP states: "chemical application is a key component to easy and effective snow removal operations. The selection and application of approved materials for snow and ice control is based upon an evaluation of the existing field conditions."
32. The City of Cleveland failed to treat Taxiway Papa with anti-icing chemicals until 12:23 p.m. EST on March 1, 2015, 22 minutes after Air Wisconsin (AWI) Flight 3897 landed on Runway 24L.
33. On March 1, 2015, the City of Cleveland failed to promptly remove or effectively control snow and ice on airport movement area surfaces and conduct appropriate actions to prevent the degradation of pavement conditions.
34. On March 1, 2015, the City of Cleveland failed to respond in a timely manner to mitigate icing conditions when freezing temperature and precipitation conditions were forecast from February 28, 2015, through March 1, 2015.

35. On March 1, 2015, the City of Cleveland failed to promptly notify air carriers of movement areas surfaces that were not cleared adequately for safe operations and did not provide NOTAMS or updated Field Condition Reports between 12:25 a.m. and 4:00 p.m. EST.
36. On March 1, 2015, the City of Cleveland failed to limit air carrier operations to those portions of the airport that were not rendered unsafe by uncorrected and unsafe conditions.

By reason of the foregoing, it appears that the City of Cleveland failed to comply with the following Federal Aviation Regulations:

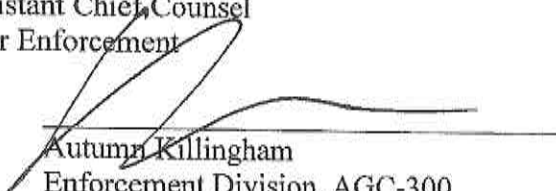
- (a) 14 C.F.R. § 139.303(a), which requires that each certificate holder provide sufficient, qualified personnel so as to comply with the requirements of the ACM and Part 139 of the FAR.
- (b) 14 C.F.R. § 139.313(a), which requires that each certificate holder whose airport is located where snow and icing conditions occur must prepare, maintain, and carry out a snow and ice control plan in a manner authorized by the Administrator.
- (c) 14 C.F.R. § 139.313(b)(1), which requires prompt removal or control, as completely as practicable, of snow, ice, and slush on each movement area.
- (d) 14 C.F.R. § 139.313(b)(5), which requires prompt notification, in accordance with 14 C.F.R. § 139.339, of all air carriers, using the airport when any portion of the movement area normally available to them is less than satisfactorily cleared for safe operation by their aircraft.
- (e) 14 C.F.R. § 139.339(c)(3), which requires each certificate holder to provide information on airport conditions that may affect the safe operation to air carriers regarding snow, ice, slush, or water on the movement areas or loading ramps and parking areas.
- (f) 14 C.F.R. § 139.343, which requires that when the requirements of Part 139 cannot be met the certificate holder must limit air carrier operations to those portions of the airport not tendered unsafe by those conditions.

Pursuant to 49 U.S.C. § 46301(a)(1), the City of Cleveland is subject to a civil penalty not to exceed \$27,500 for each violation of the Federal Aviation Regulations. After careful consideration of all available information, we are willing to accept \$555,000 in settlement of this matter.

We will take no further action for a period of 30 days after your receipt of this letter to afford the City of Cleveland an opportunity to submit the suggested amount in settlement or furnish additional information pursuant to the procedures described in the enclosure. Please direct all communications to Autumn Killingham. See contact information below.

Peter J. Lynch  
Assistant Chief Counsel  
for Enforcement

By:



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Enclosures: Information Sheet and Reply Form  
Instructions for Electronic Payment