



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. 2014GL800034

**NOTICE OF PROPOSED CIVIL PENALTY**

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

1. At all times relevant to this Notice, the city of Cleveland, Department of Port Control (City of Cleveland) was the holder of an Airport Operating Certificate, issued under 14 CFR part 139, applicable to the operation of Cleveland Hopkins International Airport (CLE).
2. On January 18, 2014, the CLE Field Condition Reporting System (FCRS) reported field conditions as follows:
  - (a) At 6:25 a.m. Eastern Standard Time (EST), ¼ inch patchy snow over ice for runways and taxiways
  - (b) At 9:18 a.m. EST, and 4:45 p.m. EST, patchy thin snow and ice.
3. CLE FCRS failed to provide any additional field condition updates until 9:42 p.m. EST on January 18, 2014.
4. On January 18, 2014, at 8:33 p.m. EST, a CLE Aircraft Rescue and Firefighting vehicle (ARFF-15) conducted training exercises with three other ARFF vehicles.
5. In order to conduct the training exercises, at 8:28:09 p.m. EST, the Air Traffic Control Tower (ATCT) at CLE instructed ARFF-15 to "drive via [taxiways] Golf Romeo and hold short of all runways advise off runway 24L."

6. At 8:28:47 EST, ATCT at CLE instructed ASH (United Express) Flight 2738 to “turn left heading two one zero runway two four left cleared for takeoff.”
7. At 8:29:47 EST, ARFF-15 slid from Taxiway Romeo on ice past the hold short line onto Runway 24L during ASH 2738’s takeoff roll, causing the Airport Movement Area Safety System to generate an alert.
8. In accordance with the requirements of 14 CFR § 139.313, the City of Cleveland is required to operate under an FAA-approved Snow and Ice Control Plan (SICP).
9. 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 . . .”
10. 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
11. At all times relevant to this Notice, Runway 24L was the Priority-1 runway as it was the active instrument runway in use at the time.
12. At all times relevant to this Notice, Taxiway Romeo was a Priority-1 taxiway as it was an entrance and exit taxiway to the Priority-1 runway in use at the time.
13. On January 18, 2014, 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 Romeo.

14. 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."
15. Chapter 4, Paragraph 4.5 of the City of Cleveland's SICP states: "Sand is applied to improve friction when snow removal and/or chemical treatments do not produce the desired friction measurement readings."
16. According to the CLE Operations Log for January 18, 2014, the airport applied sand to various taxiways prior to the above runway incursion; however, the City of Cleveland failed to treat Taxiway Romeo either by deicing chemical or sand application.
17. On January 18, 2014, the City of Cleveland failed to promptly remove or effectively control snow and ice as completely as practicable on airport movement area surfaces and conduct appropriate actions to prevent the degradation of pavement conditions.
18. Weather conditions and the City of Cleveland's failure to comply with Paragraphs 3.4, 4.4 and 4.5 of its FAA-approved SICP rendered Runway 24L and entrance and exit Taxiway Romeo unsafe.
19. The City of Cleveland failed to limit air carrier operations to those portions of the airport not rendered unsafe.

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. § Section 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.
- (b) 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.
- (c) 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 rendered 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 reviewing all of the information contained in our investigative file, we propose to assess a civil penalty in the amount of \$40,000.

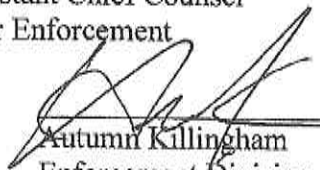
Enclosed is information on the City of Cleveland's options in responding to this Notice. The options include participating in an informal conference with an FAA attorney and submitting information to the FAA for consideration. The City of Cleveland must submit, in writing, its

choice of the alternatives explained on the enclosed information form within 30 days of receiving this Notice. If the City of Cleveland fails to submit its choice within 30 days of its receipt of this Notice, it will have no further right to participate in the informal procedures.

Please direct all communications to Autumn Killingham. See contact information below.  
Washington, D.C. 20591.

Peter J. Lynch  
Assistant Chief Counsel  
for Enforcement

By:



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Enclosures: Information Sheet and Reply Form  
FAA Regulations 14 C.F.R. § 13.16 and 14 C.F.R. part 13, subpart G