



U.S. Department
of Transportation
Federal Aviation
Administration

Office of the Associate Administrator
for Airports

800 Independence Ave., SW
Washington, DC 20591

APR 5 2011

Mr. Guy Cobb
1419 Tree Haven Cove
Cordova, TN 38016

Dear Mr. Cobb:

Thank you for your March 1 letter about our response to your whistleblower complaint (WB1049).

You raised several questions and issues in your letter.

- **Issue:** "Does a local Airport Authority have the Authority to certify that a runway and the infrastructure holding up the runway are safe?"

Response: The Federal Aviation Administration Administrator has the statutory authority under Title 49, United States Code (U.S.C.), section 44706, to issue Airport Operating Certificates (AOC) to airports serving certain air carriers. The FAA uses this authority to issue set minimum safety standards for certain airports through Title 14, Code of Federal Regulations, Part 139 (14 CFR Part 139). Runways at certificated airports must meet FAA standards and are inspected yearly as part of the Part 139 inspection. In addition, as a recipient of Federal funds under the Airport Improvement Program (AIP), the local airport authority does agree to assume and carry out certain required obligations and responsibilities. In accordance with Title 49, U.S.C., section 47105(d), the sponsor certifies that it will comply with the statutory and administrative requirements in carrying out a project under the AIP. The local airport authority assures the FAA all construction meets applicable Federal standards and requirements. The FAA makes the ultimate determination as to whether runways are safe.

- **Issue:** "Winsome A. Lenfert ... response letter ... confirms that no inspection of the runway at Memphis International Airport nor the damaged Hurricane Creek Tunnel walls holding up the runway was ever conducted by the FAA."

Response: When new construction or a rehabilitation effort occurs, the Memphis Airports District Office (ADO) conducts an onsite visit and reviews the final engineer's report and applicable test results. These steps were followed for the recent runway rehabilitation effort that was completed on November 9, 2009. The ADO agrees that the construction conforms to all applicable construction plans and specifications. In addition, the airport's most recent Part 139 inspection occurred on September 29, 2010. The physical inspection of the runway

includes the lighting, signs, marking, and pavement surfaces. A runway structural test is not part of the inspection.

- **Issue:** "When I submit a complaint that is an immediate threat to public safety, is it legal for the FAA to defer all runway and infrastructure inspections to the local Airport Authority?"

Response: The FAA takes allegations very seriously about unsafe conditions and takes immediate action to address the situation. In this case, the FAA contacted the airport sponsor prior to receiving your formal complaint submission. As you had alerted the airport sponsor first, the FAA became aware of the problem during the course of normal business activities between the FAA and airport sponsor. The FAA then worked in close coordination with the sponsor to review the situation and to review the sponsor's plans for investigating and potentially correcting the alleged problems. The FAA's Office of Airports does not have structural engineers on staff to conduct engineering analysis or engineering design; rather, the FAA requires airport sponsors to retain qualified individuals or consultants with the necessary training, experience, and professional licenses to ensure that infrastructure conditions meet all applicable Federal, state, and local standards.

- **Issue:** "Please address this [structural] issue by forcing the Memphis Airport Authority to allow the FAA to inspect both the runway and damaged tunnel walls beneath the runway. I would also ask that the media be allowed to participate in the inspection as well to further validate that this damage does in fact exist."

Response: The airport sponsor is not stopping the FAA from inspecting the tunnel. Based on the report presented by the airport sponsor and Kimley-Horn and Associates, Inc. (Kimley-Horn) (the firm hired to perform a study of the tunnel beneath the Memphis International Airport (MEM) runway), there is no need to conduct another inspection.

- **Issue:** "The [Kimley-Horn] report never addresses the fractures of the remaining four walls nor ever states that all five fractured walls are located *directly* beneath the runway." Also, "The bottom line is the structural issue that existed with the tunnel before the new runway was constructed was never addressed and now the new concrete runway is almost twice as heavy as the old asphalt runway."

Response: The airport sponsor hired Kimley-Horn to conduct an inspection of the culvert's structural integrity. Based on the inspection, Kimley-Horn recommended that three new maintenance actions take place. All three maintenance actions have been completed. The report also stated that the structural integrity of the box culvert is intact. An FAA review of the report concurs with the airport sponsor that the study adequately addresses the runway safety issues.

- **Issue:** "In 2010, the Memphis Airport Authority contracted an existing vendor (*not* an impartial engineering firm), Kimley-Horn & Associates ..." Also, "The Memphis Airport Authority and the Kimley-Horn engineering firm have conspired to hide this [wall] damage from the public."

Response: Kimley-Horn and Associates offers full-scale engineering and land planning services for environmental, water resource, wireless communications, landscape, transportation, urban development, and aviation projects across the nation. Since 1967, Kimley-Horn has worked on a variety of aviation projects including parking and runway work at the nation's busiest airports. On July 21, 2010, Kimley-Horn received the Corporate Award of Excellence from the Southwest Chapter of the American Association of Airport Executives. The award recognizes professionalism and contributions to the aviation industry. Additionally, Kimley-Horn and Associates, Inc. is ranked in the top 10 design firms for airports, according to Engineering News Record.

Both the Memphis Airport Authority and the FAA's own engineers reviewed the Kimley-Horn report dated May 19, 2010 entitled "Airfield Improvements to Accommodate Group VI Aircraft Amendment #6 - Hurricane Creek Culvert Investigation. Report of Structural Analysis, KHA Project No. 115010008." Although the FAA does not have structural engineers on staff, we do have licensed civil engineers on staff, and although their professional responsibilities do not include actual engineering analysis or engineering design, they are sufficiently familiar with the methods available for determining the load-bearing capacity of structures that they are able to recognize when an engineering consultant has conducted a comprehensive analysis before reaching its conclusions.

The Kimley-Horn site inspection, nondestructive and destructive testing, and structural analysis of the existing box culvert beneath Runway 9-27 and Taxiways A and V was conducted by Mr. Matthew D. Jensen, P.E. (Structural Engineer), and the report was prepared under the direct supervision of Mr. Jerry D. Pertzsch, P.E.

Thank you for your continued concern regarding the safety of MEM. I hope this letter helps to clear up any confusion about the safety of the airport's runway and associated infrastructure. I also hope that this letter helps to explain the actions taken by the airport sponsor and the FAA to investigate your important concerns.

Sincerely,



for Catherine M. Lang
Acting Associate Administrator
for Airports