Personal Liability in the Aftermath of Birdstrikes: A Costly Consideration

Larry A. Dale
Sanford Airport Authority, Orlando Sanford International Airport, 1200 Red Cleveland Boulevard, Sanford, FL 32773 USA

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Larry A. Dale
Sanford Airport Authority, Orlando Sanford International Airport, 1200
Red Cleveland Boulevard, Sanford, FL  32773 USA

Each year, the aviation industry is faced with the potential for extensive loss of
life and property due to bird strikes. Indeed, the frequency and devastating
consequences of bird strike activity dictate that these occurrences remain in the
forefront of every airport’s wildlife management plan. Today’s airport manager,
tasked with the ultimate responsibility for safe, secure and efficient operation of
the airport, must also address the weighty issue of liability. Organizational and
personal liability are significant threats that cannot be overlooked. Today’s court
system bears witness of airport managers being held responsible and sued
personally for injuries and death as well as property damage in the aftermath of
bird strikes. Further, regulatory agencies are using their law enforcement arms to
enforce permitting regulations to the extent that management can be prosecuted
civilly and criminally in the face of violations involving either inappropriate
action or even the taking of no action at all. In such cases, liability may extend
further to encompass airport operators and board members, and the expenses for
legal defense, including attorneys and experts, are a costly consideration. This
paper will detail liability issues inherent in bird strikes, and discuss how airport
management must strive to ignore criticism and adverse media attention, and
proceed as directed by 14 CFR/FAR Part 139.337 to conduct accurate
assessments, and develop and implement an effective wildlife management
plan.

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