

ATC & WHM: WHAT'S NEW

by
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Some years ago I was participating in a civil trial for damage compensation following a bird strike, and witnessed the successful attempt of the ATM agency to extricate themselves from any liability. This was not due to an assumed clear lack of responsibility in the specific case, but just due to a lack of competence in the entire matter of wildlife strike prevention. It sounded strange to my ears as I thought that the ATC controller, in particular the TWR controllers, had instead a great role to play, if only because they are in the highest point of the airport and can see much farther than any other on the ground.

For example, I wondered whether the Ryanair accident in Rome Ciampino could have been avoided or mitigated if the TWR had timely observed and informed the flight crew that a flock of starlings was slightly flying up and down just under the flight path seconds before the landing aircraft, as observed by the captain of another aircraft standing at the holding point, who however remained silent as well.

Also in this case the technical investigation left out the ATC (and the other pilot) assuming they had no role nor responsibility in the accident.

So, I started to reflect upon this role, analyzing the ICAO primary regulation on this field, basically the Annex 11, and discovered that one of the tasks of ATC is to prevent collisions on the maneuvering area between aircraft and obstructions, without however defining what is an obstruction. Another fundamental document is the DOC 4444 where a small footnote cleared that animals and flocks of birds may constitute an obstruction which would require proper action by the controller. But all regulations on this matter are full of ambiguities and reticence, sometimes giving more relevance to AIP and Notams than to a human and timely warning call.

Then I went to see how this regulation had been applied in the ATM manuals of different countries of the world, discovering, for example, an odd contradiction comparing two manuals of two very important and advanced countries (USA and Japan). Same sentences, same words, but something is missing in the Japanese manual: the word "observation". Can it be a coincidence? I don't think so. One country deliberately excluded for his ATC staff the duty to observe and detect the presence of wildlife. This contradiction can be seen in many other manuals leading me to believe that actually there was some confusion and the need of clear statements.

But another DOC does exist, especially designed for our field, that is the 9137 part 3.

I would like to clarify the difference between an Annex and a DOC. Actually an Annex (to the Chicago Convention) contains SARPs (Standards And Recommended Practices) that are to be adopted (Standards) or that member States should try to adopt (Recommended Practices). DOCs contain further explanations and methods to implement SARPs. Very briefly, an Annex says what to do, a DOC how to do it.

Our DOC 9137 has been updated over the years, let's analyze first the second last, dated 2012. The title being "Wildlife Control and Reduction", one could expect that the role of ATC was well defined and clarified.

Instead the term ATC was mentioned in 19 sentences, the most relevant of which appear to be these two:

4.8 - Upon receipt of notice of a specific wildlife threat, air traffic control should issue appropriate warnings to aircraft

12.3.4 Clear and precise procedures should be developed for air traffic control, and controllers should be trained such that they are able to give specific and timely information to pilots and wildlife control crews to avoid identified hazards.

The first states the obvious, but subtly leads to understand that this can be the only way by which a controller can be aware of a wildlife threat.

The second sentence, on the contrary, marks a significant step forward, claiming for proper training for ATC personnel in order to allow them to give specific and timely information to pilots, and consequently leading them to understand that actually they can directly observe and identify the wildlife.

Therefore, given that the words are really important, this is further evidence that there was a little bit of confusion in the regulation and/or in the regulators. Or, who knows, possible conflicting forces inside ICAO.

Let's now analyze the 2020 edition of DOC 9137.

First of all, the terms ATC and Air Traffic Control are mentioned 24 times. But above all, the sentences appear to be innovative and clearer, showing a change of position by regulators. I chose five statements that help to support my opinion.

The first is not a novelty, it was present also in 2012 edition, and has been repeated because probably it remains one of the least applied.

... controllers should be trained such that they are able to give specific and timely information to pilots...

The second improves and better defines what should be an obvious behavior.

...they (ATC) provide pilots with updated information concerning observations of wildlife activity on or near the aerodrome.

The third is more or less the same that we find in DOC 4444 and recalls the controllers' power to "take action", that in this sentence comes before the verb "advise". I interpret this as a renewed sign of attention that the regulator gave to an active role of the controller.

...ATC may take action or advise in response to potential wildlife strike hazards not limited to: take-off delay, use of alternative runways for landing and take-off, or different routes and altitudes according to established procedures.

The fourth represents the pilot's wish, that is that they can finally receive clear information on the presence of wildlife instead of the usual notams continuously repeated and without any significance.

...Essential aerodrome information is passed to aircraft whenever possible prior to start-up or taxi and prior to the commencement of final approach. For example: a) caution large flock of birds north of runway 27 near taxiway A

But it's the fifth statement that contains the real step forward.

Additionally, ATC and other personnel should inform wildlife controllers when they observe wildlife...

Although some recommendations were already included in previous versions of DOC 9137, it can hardly be refuted that the sentence "when they observe wildlife ..." when the subject is the ATC, can mean something other than the need for this personnel to look out for possible risks from wildlife, be it or not a report from outside (and the duty to report it).

No previous regulation had gone so far describing the controllers duties and I believe that it means a concrete step in avoiding ambiguities, as the regulations in force in countries like USA, GB, Canada, South Africa and others were just the result of broad domestic interpretations of the rules, not an application.

I made a brief survey regarding the compliance of the recommendation posed in 2012 regarding the required training of ATC personnel on wildlife. I could not acquire information from other countries but I realized that, at least in my country, the recommendation remained

only on paper. So, the question, and the concern, now in 2021 is: will ATM agencies comply with the new doc 9137 if they did probably not comply even with the former?

I can understand the troubles and the worries of ATM managers as this change of perspective means new costs, new mentality and new responsibilities, borne by a category already oppressed by many delicate tasks.

But we cannot give up on the contribution of this personnel in the struggle for safer flights and in the WHM, even if they are not – to be clear – neither the first nor the main of the forces deployed. In some circumstances their contribution and their action can reveal itself crucial however.

At the end of this presentation I would like to express my appreciation for the new edition of DOC 9137 even if I analyzed only this particular aspect of the regulation.

I also would like to propose some suggestions to WBA in order to strengthen this new approach. In my opinion it is essential that the recommendation we have talked about will be included both in the primary ICAO regulation, i.e. the Annex 11, and in secondary, i.e. the DOC 4444. This will remove any possible ambiguity, not allowing anybody to interpret the rules according to his need and convenience.

In fact, while the standards posed by the Annexes are generally binding for the contracting states, the recommendations, or the guidelines... the “how to do it”, can be ignored in the name of other national interests and without any consequence.