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Personal Liability in the Aftermath of Birdstrikes: A Costly Consideration

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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.

Abstract of paper presented at Bird Strike Committee USA/Canada Meeting, Lake Mary and Sanford, Florida, August 18–21, 2008.