Part 5 SMS by May 28, 2027, with signatures that hold up

The FAA's expanded safety management system rule (14 CFR Part 5) now covers every Part 135 operator and every § 91.147 commercial air tour operator. This brief sets out what has to be in place by the deadline, what the FAA will look at afterwards, how long records must be kept, and what makes the electronic signatures and records behind your SMS acceptable to the FAA.

May 28, 2024

Part 5 amendments in effect. New Part 135 and air tour applicants build an SMS as part of certification.

May 28, 2027

Existing operators must have a working SMS *and* have sent the FAA a signed declaration of compliance (§ 5.9(a)).

Within 24 months after

FAA surveillance of all four SMS components, then periodically based on risk (N 8900.700 / 8900.737).

WHAT'S DUE

Two things by the deadline

1. An SMS that is running

Not just a manual on a shelf. The FAA expects to see the processes in use: hazards being reported and assessed, risks accepted at the right level, audits done and findings closed, and management reviewing safety performance.

The SMS must then be maintained for as long as you hold the certificate or LOA (§ 5.9(c)), and you must give the FAA the data showing compliance on request (§ 5.9(d)).

2. A declaration of compliance

A signed letter to your responsible Flight Standards office. Per FAA interim guidance it includes:

- Your name and certificate number (air tour: Operator Designator Code)
- Your physical address
- A statement that you have developed and implemented an SMS that meets Part 5
- The signature of the accountable executive or another senior manager

Part 135 operators don't submit an implementation plan, and there's no separate FAA approval step. The FAA checks compliance through surveillance. A declaration is a legal statement, so make it true on the day you sign it.

Already in the SMS Voluntary Program? Your acknowledgment letter stays valid until you submit a declaration or until May 28, 2027, whichever comes first. You still need to submit the declaration.

Single-pilot operators: where one pilot performs all the functions needed for safe operation, § 5.9(e) exempts parts of the rule, including the reporting and discipline policies (5.21(a)(4)–(5)), parts of 5.23 and 5.25, the emergency response planning duties of 5.27(a)–(b), the confidential employee reporting system (5.71(a)(7)), safety communication (5.93) and the communication-record retention in 5.97(d). Everything else still applies.

THE RULE

The four components and what an inspector will look for

Component	Part 5	What you need	Evidence to have ready
Safety policy	5.21–5.27	Safety objectives and commitment; resources; a safety reporting policy; unacceptable behavior and discipline; an emergency response plan; a code of ethics stating safety is the highest priority. An accountable executive with final authority and control of resources; named SMS managers; who may accept each level of risk.	Safety policy signed by the accountable executive and communicated to staff; regular policy reviews; emergency response plan; organization chart with SMS roles.
Safety risk management	5.51–5.55	Analyze systems and identify hazards for new systems, changes, new procedures and anything safety assurance turns up. Assess risk, decide if it's acceptable, and design controls, checking the risk is acceptable with the controls in place before using them.	A risk register (hazard → risk → controls → acceptance); management-of-change records; flight risk assessments (FRATs) with approvals above your threshold.
Safety assurance	5.71–5.75	Collect and analyze data on operations; monitor the operating environment; **audit operational processes and systems**; **evaluate the SMS**; investigate incidents, accidents and possible non-compliance; act on hazard notices from outside; run a **confidential employee reporting system**. Assess performance against objectives, including accountable executive reviews, and fix what's found.	Audit schedule, checklists, findings and corrective actions with effectiveness checks; investigation reports; hazard reports; safety performance indicators with targets; signed management reviews.
Safety promotion	5.91–5.93	Training so people can do their SMS duties; communication that makes staff aware of the SMS, shares hazard information, and explains why safety actions were taken and procedures changed.	Training records per person; safety bulletins; read-and-acknowledge records for the policy and changed procedures.
Documentation and records	5.95–5.97	A documented safety policy and SMS processes and procedures; records kept for the periods below.	An SMS manual; records you can retrieve and show quickly.

Audits: how often and by whom?

Part 5 requires audits and evaluations but doesn't set a frequency, scope or auditor independence. You set those in your SMS, scaled to your size and risk, and then you have to follow them. FAA guidance for building this out is AC 120-92D; inspectors work from FAA Order 8900.1, Volume 17.

A practical starting point for a small operator: an annual audit plan covering each operational area, an SMS evaluation at least yearly, and management reviews on a fixed cycle (for example every six months).

How long to keep SMS records (§ 5.97)

Record	Keep for
Safety assurance outputs: audits, evaluations, investigations, reviews	**At least 5 years**
Safety risk management outputs	As long as the control is relevant
Training records (§ 5.91)	As long as the person is employed
Safety communications (§ 5.93)	At least 24 months

SIGNATURES AND RECORDS

Electronic signatures that an inspector will accept

An SMS runs on signatures: the accountable executive signs the safety policy and the management reviews, managers accept risk, approvers sign off high-risk FRATs, auditors close findings, and staff acknowledge policies and procedure changes. Part 135 releases, load manifests and maintenance records carry signatures too. If those live in software, the FAA's guidance on electronic signatures and recordkeeping, **AC 120-78B** (December 11, 2024, replacing AC 120-78A), is what the system is measured against.

The signature (AC 120-78B, para. 2.1.2)

- **Unique** to the signer, who is identified and authenticated
- Under the signer's **sole control**: their own login, never shared
- Made with **intent to sign**, by a deliberate action
- **Non-repudiation**: the signer can't later deny signing
- Signed content **can't change without a new signature**; a correction supersedes the original and both stay on record (para. 2.2.8)

The records system (para. 3.2)

- Safeguards against uncontrolled access
- Records stay unaltered and protected from corruption
- Backups equivalent to the primary records
- Regular quality checks and audits of the system itself
- Records provided to the FAA or NTSB in an acceptable form on request (para. 3.2.8.6)

FAA acceptance. For a Part 135 certificate holder, an electronic signature or recordkeeping system used for required records is accepted by the FAA and authorized in OpSpec A025. Describe the system in your manual and coordinate with your principal inspector before you rely on it. SMS records themselves aren't on a prescribed form, but the same AC 120-78B qualities are what make them credible in surveillance: who signed, when, in what role, and proof nothing changed afterwards.

GETTING READY

A readiness checklist

Now: set the foundation

- [ ] Name the accountable executive and the SMS manager / safety officer **5.25**
- [ ] Decide who may accept low, medium and high risk **5.23**
- [ ] Write and sign the safety policy; publish it to all staff **5.21, 5.93**
- [ ] Publish an emergency response plan **5.27**
- [ ] Start confidential hazard reporting **5.71(a)(7)**

Next: build the evidence

- [ ] Build the risk register from hazard reports, FRATs and known issues **5.53, 5.55**
- [ ] Assess changes before they go ahead: new aircraft, routes, procedures **5.51**
- [ ] Train everyone with an SMS role and record it **5.91**

Then: show it works

- [ ] Set 3 or more safety performance indicators with targets **5.71, 5.73**
- [ ] Run the first internal audits; close findings with corrective actions **5.71(a)(3), 5.75**
- [ ] Investigate occurrences and record the outcomes **5.71(a)(5)–(6)**
- [ ] Hold a management review signed by the accountable executive **5.73**
- [ ] Document it all in an SMS manual **5.95**

Before May 28, 2027

- [ ] Check every item above has records behind it
- [ ] Accountable executive signs the declaration of compliance and sends it to your Flight Standards office **5.9(a)**

HOW AVISTRATA HELPS

Your SMS, run in the same system as your flights and maintenance

Avistrata's Safety (SMS) module is built around Part 5. Its dashboard checks each requirement against your live records and shows what is in place, what is due and what is late, so the evidence an inspector asks for already exists.

Part 5 requirement	In Avistrata
Safety policy 5.21–5.25	Policy revisions with objectives and reporting policy, signed by the accountable executive and published through read & sign so you can see who has read each one. Settings for the accountable executive, review cycles and who accepts each risk level.
Emergency response 5.27	Publish the plan in read & sign; the dashboard flags it if it's missing.
Confidential reporting 5.71(a)(7)	Pilots and staff file hazard reports from the app, optionally confidential: only the safety officer sees who filed it. Reports feed the risk register.
Risk management 5.51–5.55	Risk register: hazards → risks (initial and residual likelihood × severity) → controls with owners and due dates → acceptance at the level you set. Management of change records. FRATs on every flight release, with higher scores routed to your approver.
Audits and corrective action 5.71–5.75	Quality module: audit programme and reusable checklists, findings with root cause, containment, corrective and preventive actions, review and effectiveness checks, and audit report and corrective action PDFs.
Investigations and performance 5.71, 5.73	Occurrence investigations with findings and contributing factors. Safety performance indicators with targets, counted automatically from your data (hazard reports, high-risk FRATs, overdue findings and controls) or entered by hand.
Management review 5.73, 5.75	Reviews capture the indicators and risks at the time and are signed by the accountable executive, with the next review date tracked.
Training and communication 5.91, 5.93	SMS training tracked in Training (courses and who's current); safety bulletins and procedure changes acknowledged through read & sign.
Records 5.97	Every change recorded with who and when. Signed policies, reviews and investigations can't be deleted.

Signatures built to AC 120-78B

- Every sign-off is made on the signer's **own login**, tied to their role, with optional multi-factor authentication or single sign-on
- The signer sees and confirms the **statement they are signing**; it's stored exactly as shown
- Signed records **lock**. A change needs an approver and a reason, and the original stays on the record
- A **full history** of who did what, and when
- Records exported as PDF for an inspector, a customer or the NTSB
- Read-only, time-limited **auditor access** to chosen aircraft records, with every page viewed logged

Get ready for May 2027 with one system.
See the SMS module and signature trail in a 30-minute demo.

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Sources: 14 CFR Part 5, §§ 5.9, 5.21–5.27, 5.51–5.55, 5.71–5.75, 5.91–5.97 (eCFR); FAA Notices N 8900.700 and N 8900.737, Interim Guidance Based on the Amendments to 14 CFR Part 5; FAA AC 120-78B, Electronic Signatures, Electronic Recordkeeping, and Electronic Manuals (Dec. 11, 2024); FAA AC 120-92D, Safety Management Systems for Aviation Service Providers. This brief summarizes the regulations and FAA guidance as of October 2026. It is not legal advice; confirm the current text and your obligations with your principal inspector.

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