

Lewiston/Nez Perce County Regional Airport

Proposed Commercial Minimum Standards

December 6, 2007

Revised 3/4/08

Commercial Minimum Standards

Table of Contents

Revision History	i
Preamble.....	1
Definitions.....	1
Commercial Activity Application Process	4
Statement of Policy.....	5
Conflicts With Existing Agreements or Federal Law	5
General Requirements.....	6
Specialized Aviation Service Operation (SASO).....	9
Restrictions on Self-Service	10

Revision History

071206 Original Draft

080106 Revisions on Review by Advisory Board

080304 Revisions on Review by Lewiston City Attorney, per memo dated January 17, 2008

Commercial Minimum Standards

Preamble

It is the intention of the Lewiston/Nez Perce County Regional Airport to operate in a manner that supports safe, efficient air transport for all its commercial, general aviation, and military users. The establishment of the commercial minimum standards is intended to encourage and ensure the provision of adequate services and facilities, the economic health of, and the orderly development of aviation and related aeronautical activities at this facility.

Definitions

The following definitions explain how terms are used in this document.

Airport means the Lewiston-Nez Perce County Regional Airport, and all of the property, buildings, facilities, and improvements within the exterior boundaries of such airport as it now exists on the Airport Layout Plan or as it may hereinafter be extended, enlarged, or modified.

Aeronautical Activity is any activity conducted on airport property that makes the operation of an aircraft possible or that contributes to or is required for the safe operation of aircraft. The following activities are among those considered to be aeronautical activities within this definition:

- Charter operation
- Pilot training
- Aircraft rental
- Sightseeing
- Aerial surveying
- Aerial application
- Air carrier operations (both airline passenger and air cargo)
- Aircraft sales and service
- Aviation fuel and oil sales (whether or not conducted in conjunction with other included activities)
- Repair and maintenance of aircraft
- Sale of aircraft parts
- Any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as an aeronautical activity.

Aviation-related Activity is any activity conducted on airport property that provides service or support to aircraft passengers or air cargo. The following are examples of aviation-related activities:

- Ground transportation
- Restaurants
- Auto parking lots
- Concessions
- Any other service or support activities that can appropriately be called aviation-related.

Agreement or Lease is a contract executed between the airport and an entity granting a concession that transfers rights or interest in property, or otherwise authorizes the

Commercial Minimum Standards

conduct of certain activities. The agreement or lease must be in writing, executed by both parties, and enforceable by law.

Air Charter is an entity that provides on-demand, non-scheduled passenger service in aircraft having no more than 30 passenger seats. This entity must operate under the appropriate federal aviation regulations (FARs).

Aircraft Maintenance is the repair, maintenance, adjustment, or inspection of aircraft. Major repairs include major alterations to the airframe, powerplant, and propeller as defined in Part 43 of the FARs. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration, adjustment, or repair of aircraft and their accessories.

Airport Operating Area (AOA) is the ramp, apron, runway, and taxiway system at the airport.

Airport Layout Plan (ALP) is a drawing depicting the physical layout of the airport that identifies the location and configuration of runways, taxiways, buildings, roadways, utilities, nav aids, etc. The ALP must also show planned airport development.

Apron is a paved area suitable for aircraft staging and parking.

Assurance is a provision contained in a federal grant agreement to which the recipient of federal airport development assistance has voluntarily agreed in consideration for the assistance provided.

Commercial Aeronautical Activity is any aeronautical activity intended to secure earnings, income, compensation, or profit, whether or not such objectives are accomplished.

Commercial Aviation Operator is a commercial aviation operator that may be classified as either a fixed base operator (FBO) or a specialized aviation service operator (SASO).

Entity is a person, persons, firm, partnership, limited liability company, corporation, unincorporated proprietorship, association, or group.

Equipment is all personal property and machinery together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the activity being performed.

Exclusive Right is a power, privilege, or right that excludes another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred by express agreement, by the imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties but excluding others would be an exclusive right.

FAA Federal Aviation Administration

FAR Federal Aviation Regulation

Federal Airport Obligations are all references to federal grant programs, federal airport development assistance, or federal aid intended to address contractual commitments arising from the conveyance of land or from grant agreements.

Fixed Base Operator (FBO) is an entity that is authorized and required by agreement with the airport to provide, at a minimum, the following aeronautical activities at the airport:

- Sale of aviation fuel and oil
- Tie-down, hangaring, and parking
- Aircraft maintenance

Commercial Minimum Standards

Ancillary aircraft ground services

Fueling Operation means the dispensing of fuel into an aircraft.

Fueling Operations Permit means a permit issued by the airport manager to a person who dispenses aviation fuel at the Lewiston-Nez Perce County Regional Airport (See Airport Regulations in the Lewiston City Code for requirements and procedures). There are two types (1) Fuel Vender's permit; and (2) Self-Fueling permit.

Grant Agreement is any agreement made between and airport owner and the FAA, acting on behalf of the United States, for the grant of federal funding or a conveyance of land, either of which the airport owner agrees to use for airport purposes.

Improvements are all buildings, structures, and facilities. Improvements may include pavement, fencing, signs, and landscaping that is constructed; installed; or placed on, under, or above any leased area.

Land Use Identification Plan is a scaled, dimensional layout of the entire airport property, the primary purpose of which is to indicate the current and proposed use for each identifiable segment of property as well as the airport owner's intentions for the future allocation of airport property. The plan should identify areas dedicated to aeronautical activities and services such as fuel storage, general aviation, passenger loading, air freight and cargo handling, common use aircraft parking, and public automobile parking. Additionally, the plan should identify areas dedicated to future expansion. The land use identification plan may take the form of an airport master plan.

Manager means the airport manager or designated representative.

Minimum Standards are the criteria established by an airport owner as the minimum requirements that must be met by businesses in order to engage in providing on-airport aeronautical activities or services.

Operator is, as used in these minimum standards, the term referring to both commercial operators and non-commercial operators.

Owner means the City of Lewiston, Idaho, and Nez Perce County as the joint owners of the airport.

Specialized Aviation Service Operation (SASO) is an aeronautical business that offers a single or limited service, such as:

- Commercial skydiving
- Avionics, instruments, or propeller repair
- Specialized commercial flying services
- Flight training
- Aircraft sales
- Aircraft lease and/or rental
- Aircraft charter and air taxi
- Commercial Self-Fueling
- Airframe and power plant repair and maintenance
- Air ambulance

A multiple-service SASO offers two or more of the above services.

Sublease is a lease agreement entered into by a lessee with another entity that transfer rights or interest in property or facilities, and that is enforceable by law.

Commercial Minimum Standards

“Through the Fence” Rights are rights to direct access to the airport from private property contiguous to the airport. The term also refers to the right to engage in commercial aeronautical activities at the airport without an agreement with the authority.

Commercial Activity Application Process

In conjunction with its role as an airport, the Lewiston/Nez Perce County Regional Airport seeks to promote the operation of aviation-related and aviation-supported businesses. To that end, we encourage current and prospective operators intending to conduct a business operation at the airport to take the following steps.

1. Propose the operation to the Lewiston-Nez Perce County Regional Airport Commission in writing through the Airport Manager. Include in your proposal sufficient details that the commission might understand and evaluate:
 - a. The nature of the proposed operation
 - b. The services to be offered
 - c. The facility requirements of the proposed operation, both air-side and land-side. If new facilities are intended, include details to the greatest extent practical, including: proposed size and placement of any structures and utilities; construction phases; access to/from ramp areas and taxiways; security provisions; customer and employee parking.
 - d. The proposed development calendar (when do you plan to commence development and when do you plan to begin business operations).
2. The commission shall respond to the proposal within 60 days. The response shall be in the form of:
 - a. A request for specific additional information
 - b. A recommendation to the airport owner that the proposal be accepted and work proceed.
 - c. A recommendation to the operator that revisions be made to the proposal to correct perceived deficiencies in the proposal to improve safety or consistency with the Airport Layout Plan.
3. After affirmative action by the airport commission and approval of the airport owner, proceed with the application for a City of Lewiston Business License, negotiation and execution of a lease of airport property (if applicable), and with submittal of appropriate plans to the City and/or County for necessary construction approvals and permits (if applicable).

During this process, we encourage prospective operators to attend meetings of the airport commission to make presentations, ask and answer questions, and monitor the progress of the proposal. The airport manager can provide periodic status updates and meeting times and minutes on request.

Commercial Minimum Standards

Statement of Policy

The Lewiston/Nez Perce County Airport intends to operate, manage, plan, finance, and develop the airport for its long-term financial health and safety in a manner consistent with accepted airport practices and applicable federal, state, and local policies and regulations. Accordingly, all applicants who perform commercial aeronautical activities at the airport shall be accorded a fair and reasonable opportunity, without unlawful discrimination, to qualify and to compete (if applicable) to occupy available airport facilities. Applicants shall also have the opportunity to provide appropriate aeronautical activities subject to the minimum standards as established by the airport owners.

However, the granting of rights and privileges to individuals and businesses to engage in aeronautical activities shall not be construed in any manner as affording any operator any exclusive right for use of the premises and/or facilities at the airport, other than those premises which may be leased exclusively to any operator, and then only to the extent provided in a written lease and/or permit.

While the airport manager has the authority to manage the airport (including the authority to interpret, administer, and enforce airport agreements and airport owner policies and the authority to permit temporary, short-term occupancy of the airport), the ultimate authority to grant the occupancy and use of airport real estate or permits allowing for the conduct of commercial aeronautical activities, and to approve, amend, or supplement all leases and permits is expressly reserved to the airport owners.

Many types of aeronautical activities may exist that are too varied to reasonably permit the establishment of specific minimum standards for each. When specific aeronautical activities that are proposed for conduct on the airport that do not fall within the categories documented, minimum standards can be developed on a case-by-case basis, taking into consideration the desires of the applicant and the airport, and the public demand for such service. Often, a simple permit process can be utilized to authorize such activities.

Conflicts With Existing Agreements or Federal Law

These minimum standards are not retroactive. They do not affect the current term of any written agreement properly executed prior to the date of adoption and approval of these same minimum standards. Upon expiration of an existing agreement, or if the operator desires to materially increase or expand its activities, the operator shall then comply with the provisions of these minimum standards. A requirement under these minimum standards or an agreement that an operator comply with applicable local or state law does not create an opportunity or right in an airport owner to enact or enforce local ordinance which is preempted under federal law. This includes any attempt to regulate airspace or the conduct of flight operations.

Commercial Minimum Standards

General Requirements

The following general requirements shall apply to all commercial aeronautical activities at the airport. An operator engaging in a commercial aeronautical activity or activities at the airport must comply with the general requirements of this section.

1. Agreement: No entity shall conduct a commercial aeronautical activity unless a valid agreement authorizing such activity has been entered into by the entity and the airport owner. The agreement will have a maximum initial term of 20 years. At the request of the service provider, the airport owner may provide for optional extensions of the agreement under agreed-upon terms and conditions. The agreement will present the terms and conditions under which the activity will be conducted at the airport, including but not limited to: term of the agreement; rentals, fees, and charges; and the rights and obligations of the respective parties.

2. Fees and Charges: The operator shall pay the fees and charges negotiated with the airport owner for the applicable aeronautical activities. Information relative to fees and charges applicable to the aeronautical activity described will be made available to the prospective operator by the airport manager.

3. Leased Premises: [Note: Under the terms and conditions applied to specialized aviation service operations (SASO), a ground rental lease may not be required. For all others, the following leased premise guidelines apply.] The operator shall lease, sublease, or construct sufficient ground space, facilities, and accommodations for the proposed aeronautical activity. When more than one activity is proposed or when the operator will be conducting activities from an FBO leasehold as an approved sublessee, the minimum lease terms may vary depending on the nature of each activity. The operator must provide a full description and conceptual drawing [if required] of the location of the ground space, facilities, and accommodations to be utilized for the operator's proposed aeronautical activity. The operator must also provide a schedule of development and identify the location of aircraft parking and staging areas, general aviation customer lounges, vehicle parking, and restrooms.

The ground space shall include an appropriate aircraft parking apron with tiedown and/or hangar facilities sufficient to accommodate the current aeronautical activity and the types of general aviation aircraft frequenting the airport. Ground space shall also accommodate paved roadways and vehicle parking facilities which do not enter the AOA. The facilities and floor space allotments shall include office and customer lounge facilities which must be properly heated, ventilated, cooled, and lighted. General aviation user accommodations shall include telephones for customer use, restrooms, and sufficient on-site customer vehicle parking spaces.

Access for "Through the Fence" commercial aeronautical activities will be assessed on a case-by-case basis. In all such cases, authorization for such access will consider any applicable federal regulation with which the airport must comply such as FAR Parts 107 [security] and 139 [airport certification].

Commercial Minimum Standards

4. Site Development: Detailed development plans must be submitted to the airport owner and advisory commission through the airport manager's office. All construction plans must be submitted for approval prior to modification or construction of any building, hangar, or other aeronautical facility on the leased premises. In the event that plans are modified in a manner that impacts the building exterior dimensions, the modified plans must be re-submitted to the airport owner and advisory commission for approval of the modification prior to continuation of the project. For additional details, please refer to the Airport Development Plan document, available from the Airport Manager.

Operators must maintain the leased premises in a neat and orderly condition and provide the necessary personnel to perform day to day operational duties and maintenance upon the facilities.

5. Products and Services: Products and services shall be provided on a fair, equal, and non-discriminatory basis to all users of the airport. These products and services shall be provided at fair, reasonable, and non-discriminatory prices. If lawful, reasonable, and non-discriminatory discounts and other similar types of price reductions may be extended to like purchasers and users.

6. Licenses, Permits, and Certifications: The operator shall obtain and comply with all necessary licenses and permits for the conduct of anticipated activities at the airport required by the airport owner or any other duly authorized governmental agency having jurisdiction. The operator shall not engage in any activities at the airport prior to obtaining any certification required by the FAA.

7. Personnel: The operator shall have in its employ, and on duty during defined operating hours, trained personnel in such numbers as are required to meet minimum standards herein. The operator shall also provide an employee in the office to supervise the operations on the leased premises. This employee must be able to address the service and product needs of aircraft owners and pilots. Such person shall be authorized to represent and act for, and on behalf of, the operator during all business hours. All personnel are required to hold appropriate FAA certificates and ratings, as applicable.

8. Payment of Rents and Fees: No entity shall be permitted to engage in commercial aeronautical activities unless said entity is current in the payment of all rents, fees, or other sums accruing to the airport under any and all agreements.

9. Laws, Rules, and Regulations: Any provider of commercial aeronautical activities and services at the airport shall engage in those activities only in accordance with all applicable laws, rules, and regulations of the federal government, the state of Idaho, and all other governmental bodies having jurisdiction, including the regulations of the FAA, the U.S. Department of Transportation, and the airport owner.

Commercial Minimum Standards

10. Insurance Requirements: The following insurance requirements apply to those operators who provide an aeronautical service on airport property:

- Premises general liability insurance, including, if applicable, products, completed operations, and hangar keepers liability with a minimum limit of \$250,000 Combined Single Limit, Bodily Injury and Property Damage.
- Aircraft liability insurance, if applicable. For flight training and rental activities, the operator will be required to notify the customer as to whether or not any of the operator's insurance coverage applies to the customer while using the operator's aircraft, and if not, the customer shall provide certificate(s) of insurance of their own aircraft liability insurance to the operator.
- Workers compensation insurance, if applicable.
- Ground vehicle liability insurance, if applicable.

Prior to using the airport property the operator will provide the airport with a certificate(s) of insurance identifying the policies described above. The certificate(s) shall name the airport as additional insured, if applicable, and shall include a provision that gives the airport 30 days prior written notice of any modification or cancellation to the insurance policy.

11. Assignments, Subletting, and Encumbrances: All assignments, subletting, and encumbrances of agreements between an authorized operator and another entity must receive prior written approval of the airport owner.

A request for such written permission, prepared in as much detail as required by the airport, will be submitted to the airport through the airport manager for its review and approval, which will be completed in a timely fashion. This does not apply to activities provided for under the terms of an existing agreement, including rental to tie-downs and hangar space for aircraft storage. Permission will not be unreasonably withheld and response to requests will be made within 45 days of receipt by the airport manager.

12. Taxes: The operator shall, at its sole cost and expense, pay any and all taxes, which now or in the future may be assessed against the leasehold land, improvements thereto, or otherwise assessed upon its operations.

13. Signage: The operator shall not erect, maintain, or display any sign on the leased premises or elsewhere on the airport unless he first obtains the prior written consent of the airport manager. All signage must meet the requirements of the airport.

14. Environmental Compliance: All operators who dispense fuel, store fuel, and perform aircraft maintenance shall strictly comply with ALL federal, state, and local laws, rules, and regulations concerning the handling, use, and storage of fuel, oil, solvents, chemicals, and other hazardous materials. Operators shall arrange for the lawful and sanitary handling and timely disposal, away from the Airport, of all solid

Commercial Minimum Standards

waste, regulated waste, and other materials, including, but not limited to, used oil, solvents, and other regulated waste.

Operators will first obtain approval from the airport before engaging in, or permitting on the leased premises, the stripping and/or painting of aircraft or any other vehicles.

15. Safety of Others: All aeronautical activities at the airport shall at all times be conducted with due consideration to the safety of all airport users, other persons, and property located at or about the airport.

16. Hours of Operation: Operators providing fueling, customer services, and ancillary services shall be available to the public a predetermined number of hours per day, seven days per week.

Specialized Aviation Service Operation (SASO)

The airport recognizes that when specialized aviation service operations (SASOs), sometimes known as single service operators or special fixed base operators, apply to do business on the airport, difficulties can arise if the SASOs are required to comply with all provisions of published minimum standards. Accordingly, the Airport may develop reasonable, relevant, and applicable standards for each type and class of service. Examples of these specialized services may include flight training, airframe and power plant repair and maintenance, aircraft charter, air taxi or air ambulance, aircraft sales, avionics, instrument or propeller services or other specialized commercial flight support businesses. These minimum standards may be supplemented, amended, or modified by the airport owner from time to time and in such manner and to such extent as is deemed reasonable and appropriate by the airport owner.

Multiple service SASOs engage in any two or more of the aeronautical services for which minimum standards have been herein provided. In this case, the SASO shall comply with the additional minimum standards for each service provided, if applicable.

The following additional minimum standards shall be applicable to the respective SASOs.

- 1. Commercial Skydiving:** The SASO operation shall meet or exceed the Basic Safety Requirements of the United States Parachute Association, FAR 105, and related FAA Advisory Circulars.
- 2. Commercial Fueling or Self-fueling:**
 - a. The SASO shall have a fixed fuel storage system that shall contain safety features and filtration systems that ensure fuel quality consistent with industry standards. The storage system shall include adequate fuel spill prevention features and containment capabilities, together with an approved fuel spill prevention countermeasures and control plan, as applicable.
 - b. The commercial self-fueling SASO shall have services available 24 hours per day, 7 days per week.
 - c. The commercial fueling SASO shall have the premises open and services available a minimum of 8 hours per day, 5 days per week, and shall make

Commercial Minimum Standards

provision for someone to be in attendance on the premises at all times during the required operating hours.

- d. The SASO shall make provision for someone to respond to the premises for emergencies any time.

Restrictions on Self-Service

In accordance with FAA policy, the airport owner may not exercise any right or privilege that would have the effect of preventing the operator of any aircraft utilizing the airport from performing services on his or her own aircraft with his or her own employees and equipment. Aircraft owners are entitled to use the landing area of the airport and may tie-down, adjust, repair, refuel, clean, and otherwise service their own aircraft, provided the service is performed by the aircraft owner. Any unreasonable restrictions imposed on owners or operators of aircraft by airport commercial operators will be construed as a violation of airport policy.