

ATTACHMENT 2

**MINIMUM STANDARDS FOR THE CONDUCT
OF AERONAUTICAL ACTIVITIES**

Proposed Minimum Standards for the Conduct of General Aviation Aeronautical Activities at Republic Airport

I. Policy and Purpose

"The requirements of standards imposed on those proposing to conduct an aeronautical activity on a public airport should relate primarily to the public interest. As building and sanitary codes are enacted for the protection of the local community, airport standards should be designed to protect airport patrons from irresponsible, unsafe or inadequate service. Because the cost of meeting reasonable standards must be accepted as a normal business expense, no prudent operator will undertake the investment involved unless he foresees a volume of business that has not been fully developed. Thus, the use of reasonable standards, while safeguarding the public interest, has the additional effect of preserving the stability of an established business. Proper standards discourage the unqualified for the protection of both the established operator and the public. The fairness and reasonableness of standards normally is judged against the background of general practices which have found acceptance at airports of comparable size and situation."

FAA AC 150/519-01A

II. Definitions

As used herein, the following terms shall have the meaning indicated:

Airport shall mean Republic Airport.

Department shall mean New York State Department of Transportation or its duly authorized representatives.

Person shall mean any individual, firm, partnership, corporation, association or company and includes any trustee, receiver, assignee or similar representative thereof.

Minimum Standards the standards set forth as the minimum requirements for the conduct of aeronautical activity at the Airport consistent with FAA Advisory Circular No. 150/5190-1A. These standards may be amended and revised by the Department at any time.

Aeronautical Activity shall mean any activity conducted on the Airport property which involves, makes possible, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations and shall include, but not be limited to all activities commonly conducted on airports, such as air charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, flying clubs, aerial advertising and surveying, aircraft sales and services, sale of aviation petroleum products conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, sale or maintenance of aircraft

accessories, radio, communication and navigation equipment and any other activity which, because of its direct relationship to the operation of aircraft, can appropriately be regarded as an aeronautical activity.

Fixed Base Operator ("FBO") For the purpose of these Minimum Standards, an FBO is defined as: A Person having a lease with and conducting a commercial activity at the Airport who shall provide aircraft hangar storage, the sale of aviation petroleum products, aircraft and engine repair and maintenance and two of the following services directly through its own personnel:

- Pilot training and flight instruction;
- Sales, rental or charter of aircraft;
- Commuter, scheduled air taxi and air taxi operations;
- Sale or service of aircraft parts, avionics, instruments or other aircraft equipment;

Services, other than aircraft fueling, hangar storage, aircraft and engine maintenance and those two selected by the FBO, may be provided by contract personnel.

The FBO shall also provide the following services and amenities:

- Ramp parking and tie-down.
- Crew and passenger lounge facilities.
- Public restrooms.
- Loading, unloading and towing.

Hangarkeeper A firm (corporation, individual, partnership, etc.) having a lease with and conducting a business or commercial activity at the Airport for the sole purpose of providing aircraft hangar and tie down storage.

Specialty Services Operator ("SSO") A Person having a lease or permit with, and conducting a commercial aeronautical activity at, the Airport for the purpose of directly providing any one or more of the following services:

- Aircraft airframe and engine repair.
- Aircraft rental.
- Aircraft sales.
- Air Taxi and charter.
- Any other aeronautical activity or service except fuel sales.
- Commercial flying services.
- Flight training.
- Specialized aircraft services.

III. Requests to Conduct Aeronautical Activities

Any Person requesting permission to conduct activities at the Airport shall submit, in a manner acceptable to the Department, all information and material necessary to establish to the satisfaction of the Department that the person will qualify and comply with these Minimum Standards. If requested by the Department, the Person seeking such permission shall provide

the following information and documentation; together with such other information or documents as may be requested by the Department.

1. The Person's name, address and the proposed activity.
2. The names, professional qualifications and recent applicable professional experience (past five years) of the personnel to be involved in conducting such activity.
3. The type and identity of the Person, e.g. an individual, partnership, corporation, joint venture.
4. The ownership and control of the Person described in 3. above.
5. The financial responsibility and capability of the Person to perform and provide the activity sought. The Department shall be the sole judge of what constitutes adequate financial responsibility.
6. The services tools and equipment and inventory, if any, proposed to be furnished in connection with such activity.
7. The proposed date for commencement of the activity and term for conducting same.
8. The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.
9. The specific types and amount of insurance proposed.
10. Names and financial statements of proposed guarantors of any proposed lease.

11. A pro-forma operating statement for the first year, if a Specialty Shop, for the first five years, if an FBO.
12. Certified financial statements or Federal Income Tax Returns for 3 consecutive years. Compilation statements will not be accepted.
13. A written list of the assets owned or proposed to be purchased which will be used in the business at the Airport.
14. A current credit report.
15. A written request and authorization for the FAA and all aviation or aeronautical commissions, administrators, or departments of all states in which the Person has engaged in aviation business to supply the Department with all information in their files relating to the applicant or its operations. The Person shall execute such forms, releases and discharges as may be requested by any of these agencies.

Upon the consideration of the request, the Department shall, within a reasonable period of time, determine whether or not the Person meets the applicable standards and qualifications and shall grant or deny the request.

IV. Requirements for all Aeronautical Activities

Every Person proposing to conduct aeronautical activities at the Airport shall satisfy the Department that the following requirements can be met:

- a) That such a Person has a history of management, experience and personal ability in providing similar activities.
- b) That such a Person had the financial capability to support the activity.
- c) That such a Person is familiar with and can reasonably meet necessary requirements of the FAA or other authority governing the proposed activity.
- d) That such a Person has or can furnish suitable casualty and property insurance and liability insurance and bonding to protect and hold the Department harmless from any liability in connection with the conduct of the proposed activity. The liability coverage shall be consistent with the following guidelines:
 - 1. General tort liability Such Person shall protect, defend, and hold the Department and its officers and employees completely harmless from and against any and all liabilities, losses, suits, claims, judgements, fines or demands arising by reason of injury or death of any Person or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to its General Aviation Aeronautical Activity and/or the use or occupancy of the airport or the acts or omissions of such Person's officers, agents, employees, contractors,

subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless such injury, death or damage is caused by the sole negligence of the Department.

The Department shall give such Person reasonable notice of any claims or actions against the Department which directly or indirectly affect such Person and such Person shall have the right to compromise and defend the same to the extent of its own interest. .

2. Regulatory liability Such Person agrees that if a prohibited incursion into the Air Operations Area occurs, or the safety or security of the Air Operations Area and Runway Area, or other sterile area, safety or security area is breached by or due to the negligence or willful act or omission of any such Person, its employees, agents, or contractors and such incursion or breach results in a civil penalty action being brought against the Department by the U.S. Government, such Person will reimburse the Department for all expenses, including attorney fees, incurred by the Department in defending against civil penalty action and for any civil penalty or settlement amount paid by the Department as a result of such incursion or breach of airfield or sterile area security. The Department shall notify such Person of any allegation, investigation, or proposed or actual civil penalty sought by the U.S. Government for such incursion or

breach. Civil penalties and settlement and associated expenses reimbursable under this paragraph include but are not limited to those paid or incurred as a result of violation of FAR Part 107, Airport Security, FAR Part 108, Airplane Operator Security, or FAR Part 139, Certification and Operations; Land Airports Serving Certain Air Carriers.

The provisions of this section shall survive the expiration or early termination of this Agreement for matters arising before such expiration or early termination.

- e) That the controlling interest in the activity shall not be transferred to another party without the prior written consent of the Department.

V. Minimum Standards for Specific Aeronautical Activities

To conduct any aeronautical activity on the Airport, the Person must, in addition to adhering to these Minimum Standards, have a valid current lease, sublease or commercial operating permit from the Airport authorizing the Person to conduct the particular activities.

1. Fixed Base Operations ("FBO")

The FBO shall perform the Aeronautical Activities as specified in the FBO definition contained in these Minimum Standards. Due to space requirements as specified herein, investment required and environmental considerations, only FBOs

shall be permitted to sell or dispense aviation petroleum products.

The FBO parcel shall consist of at least 6 acres including transient ramp for the parking of aircraft and vehicles and the storage and hangaring of aircraft (Level 1). Level 1 aircraft storage shall include the FBO's ability to hangar aircraft up to and including the Falcon 900, Gulfstream IV and Challenger 601. Fuel shall be stored in a location designated by the Airport.

The FBO facilities on the leasehold shall include a hangar of approximately 30,000 sq.ft. with a clear door height of at least 26 feet, approximately 3 acres of transient aircraft parking, 10,000 sq.ft. of office, lounge and shop space in support of the FBO function and adequate vehicle parking.

The lounge area shall include passenger lounge and waiting area, pilots' lounge, restrooms, flight planning room and service counter facilities and personnel to handle all requests for fuel sales, aircraft service and/or storage, aircraft catering, rental cars, other ground transportation arrangements and hotel reservations.

In addition, the FBO shall have:

- a) Adequate uniformed, trained, courteous service personnel on duty from 9 am to midnight seven days a week. Personnel shall be "on call" by beeper or other rapid access system between midnight and 5 am.
- b) Line Service personnel shall participate for at least 10 hours annually in ARFF and other reasonable airport emergency training deemed appropriate by the Airport.
- c) At least one of the Line Service personnel on duty from 9 am to 5 pm Monday through Friday shall be a licensed A&P mechanic available for "trouble shooting" on the range of aircraft typically handled by the FBO.
- d) Demonstrated capability to perform minor repairs, coupled with a requirement for tools, jacks, towing equipment (tugs and towbars) tire repair equipment, etc.
- e) Suitable aircraft parking and tie-down areas and the demonstrated capability to efficiently and safely move aircraft to such areas and store them in compliance with local regulations.
- f) Provision of energizers, starters, passengers loading steps, oxygen, nitrogen, compressed air and such other

equipment and supplies as may be required to serve the types of aircraft using the Airport.

- g) The Person shall have, or have access to, suitable and environmentally acceptable facilities for washing and cleaning aircraft.
- h) A means for the legal and sanitary handling, storage and disposal of all trash, waste and other materials, including but not limited to used oil, solvents and other waste.

2. Sale of Aviation Petroleum Products

- a) As stated in the definition of a Fixed Base Operator, "FBO", this aeronautical activity can only be performed by a FBO.
- b) Space and facility requirements shall be as stated in item 1 above.
- c) Fuel storage facilities constructed and maintained in compliance with all applicable Airport, City, State and Federal laws, rules and regulations and providing the following storage volumes by type:
 - Jet A - 40,000 gallons (in two tanks of 20,000 each)
 - Avgas - 10,000 gallons (in two tanks of 5,000 each)

For reasons of environmental precautions and protection and to minimize the Airport's exposure to contamination, all fuel storage tanks shall be located in a fuel farm area for General Aviation designated by the Airport.

- d) Two Jet A fuel trucks one of which shall be at least 5,000 gallons.

Two Avgas fuel trucks of at least 500 gallons.

Fuel trucks shall be in compliance with all applicable Airport, City, State and Federal rules and regulations and shall be subject to inspection by the Airport under the provisions of FAR Part 139.

- e) Initial and recurrent Line Service training program for all Line Service personnel and maintaining records of such training for review by Airport staff.

- f) A fuel spill prevention and clean up plan, approved by the Airport, for both the fuel farm and the aircraft parking ramp.

- g) Grounding rods at all fueling locations to eliminate the hazards of static electricity.

3. Pilot Training

- a) Due to the complex operational environment, aircraft activity level and fleet mix at the Airport, all pilot

training conducted at the Airport shall be done by a Pilot School in a manner reasonably consistent with the provisions of FAR Part 141.

- b) The Person shall have licensed flight instructors available at least eight hours per day, seven days a week.
- c) The Person shall have available at least three single engine aircraft for flight training during its hours of operation. At least one of the three aircraft must be equipped with adequate instrumentation to enable a student to obtain commercial, flight instructor and instrument ratings. The Person shall have at least ready access to one multi-engine aircraft to enable a student to obtain commercial, multi-engine and airline transport ratings.
- d) The Person's space and facilities shall also be reasonably consistent with the criteria prescribed in FAR Part 141.

4. Air Taxi and Charter

- a) The Person shall make its aircraft charter and air taxi services readily available at the Airport at least twelve hours per day, seven days a week and shall have qualified licensed pilots and aircraft available, on call by beeper or other rapid access system, at all other times between 6 a.m. and midnight. No availability is required between midnight and 6 a.m.

- b) The Person shall conduct its services under the provisions of FAR Parts 91 and 135, as appropriate.
- c) To provide the public with a reasonable and economic range of service, the Person shall have available for use in conjunction with the provisions of its services at least one single engine aircraft and one multi-engine aircraft fully instrumented for operation under IFR conditions. The available aircraft shall be airworthy and properly maintained at all times.
- d) The Person shall make its services available on at least two hours notice.
- e) The Person shall provide, either through its own facilities or with the Airport or an FBO, proper and adequate amenities and facilities for passenger waiting, telephones and restrooms. The available facilities shall be subject to the approval of the Department.

5. Aircraft Maintenance and Repairs

Except as otherwise provided in any agreement with the Department, all Persons offering aircraft engine, airframe and accessory sales and maintenance and repair facilities to the public for hire shall provide:

- a) In case of airframe and/or engine repairs, sufficient hangar space to house any aircraft upon which such services are being performed. Minimum hangar space

requirements for servicing single piston engine aircraft shall be in the range of 4,000 sq.ft.

- b) Suitable storage space for aircraft awaiting repair, maintenance, or delivery. The storage space for aircraft shall be at least equivalent in area to the footprint of the hangar space in which the service is provided.
- c) Adequate adjacent enclosed shop space to house the equipment and adequate equipment and tools, jacks, lifts, and testing equipment to perform overhauls as required for FAA certification and repair of parts not needing replacement on common single engine land and light multi-engine land general aviation aircraft.
- d) The Person shall have a fully licensed and qualified A&P mechanic(s) available for servicing aircraft at least eight hours a day, five days a week. The mechanics should also be available by beeper or other rapid access system during emergency conditions occurring during other than normal business hours.
- e) The Person shall have, or have access to, suitable and environmentally acceptable facilities for washing and cleaning aircraft.
- f) A means for the legal and sanitary handling, storage and disposal of all trash, waste and other materials, including but not limited to used oil, solvents and other waste.

6. Aircraft Storage (Hangarkeepers)

- a) Any Person providing hangar storage shall do so at one of those "levels" of storage as prescribed herein as approved by the Department in its sole discretion as to level and location on the Airport. The levels are as follows:

<u>Level</u>	<u>Hangar Area #</u>	<u>Clear Door Height</u>
1 *	25,000 sq.ft.	26 ft.
2	10,000 sq.ft.	18 ft.
3	5,000 sq.ft.	14 ft.
4 T-Hangars	Area for T-Hangar complex to be determined by size of parcel Note: portable nested T-Hangars are not permitted.	14 ft.

* Mandated for FBOs

Excluding office and shop space

- b) The Person providing such aircraft storage shall have on call, by beeper or other rapid access system, adequate staff to respond within one hour to tenant aircraft owner/operator's request for assistance from 5 a.m. to midnight.
- c) T-Hangars (to be addressed)

7. Aircraft Rental and Sales

- a) Any Person renting, selling or brokering aircraft at the Airport shall have suitable sales office and display (tie down) facilities leased or constructed on the Airport of a type and at a location approved by the Department.

- b) The Person shall have adequate sales and aircraft demonstration personnel at least eight hours a day six days a week.
- c) The Person shall have either a franchise for the sale of new aircraft from a manufacturer or a licensee or possess or have access to an adequate inventory of used aircraft.
- d) The Person shall have made contractual arrangements either with the aircraft manufacturer or licensee or an FBO or an Aircraft Maintenance Repair Specialty Shop on the Airport operator for the repair and servicing of and provision of parts for the aircraft sold for any warranty period.

8. Specialized Aircraft Services

- a) A Specialized Aircraft Services Operator is a Person providing repairs and sale of aircraft radios, propellers, instruments and accessories; and the painting and refurbishing of upholstery of aircraft.
- b) A Specialized Aircraft Services Operator shall:
 - 1. Have sufficient facilities on the Airport for the conduct of its business.
 - 2. Have at least one FAA-certified repairman qualified in accordance with the terms of a Repair Station Certificate.

9. Commercial Flying Services

a) A Commercial Flying Service Operator is a Person providing any of the activities listed below:

1. Sightseeing flights.
2. Crop dusting, seeding, and spraying.
3. Banner towing and aerial advertising.
4. Ground traffic patrol and spotting.
5. Aerial photography or survey.
6. Fire fighting.
7. Power line or pipeline patrol and wildlife spotting.
8. Any other commercial operating specifically excluded from Parts 121 and 135 of the Federal Aviation Regulation.

b) A Commercial Flying Service Operator shall:

1. Have sufficient facilities, parking and aircraft tie-down.
2. In the case of crop dusting, aerial application, or other commercial use of chemicals, Operator shall provide a centrally-drained, paved area of not less than 4,000 sq.ft. for aircraft loading, unloading, washing, and servicing. This area must be built and operated in full compliance with federal, state and local regulations governing such activities. Operator shall also provide for the safe storage and containment of all chemical

materials. The Operator shall provide tanks for the handling of liquid spray materials and for mixing liquids. The Operator shall also provide adequate ground facilities and equipment for the containment, storage, handling, and safe loading of all noxious chemicals and materials.

3. Provide and have based on his leasehold, either owned or under written lease or sub-lease agreement airworthy aircraft, suitably equipped for, and meeting all the requirements of the FAA for the type of activity performed.

10. Other Services

An Operator providing any activities and services not listed in these Standards shall meet the requirements promulgated by Department.

11. Part Time Operators

- a) A flight instructor, aircraft mechanic, or aircraft broker may use the Airport facilities without meeting the requirements of a SSO, if he/she:
 1. Maintains proper liability insurance.
 2. Registers with the Airport Manager.
 3. Executes a Commercial Operating Permit with the Department.
 4. Pays an annual fee of to the Department for the Commercial Operating Permit.

5. Pays all applicable Airport fees, including but not limited to landing fees, fuel storage/flowage fees, and tie-down fees.
6. Works less than eighty hours per month at the Airport.
7. Performs the function at a properly designated area.