

YUBA COUNTY AIRPORT

**MINIMUM STANDARDS
FOR COMMERCIAL
AERONAUTICAL ACTIVITIES**

Adopted
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Yuba County Board of Supervisors

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INTRODUCTION & PURPOSE

POLICY

The County of Yuba being the Sponsor/Owner and in a position of responsibility for the administration of the Yuba County Airport does hereby establish the following Policy for the Minimum Standards:



The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide commercial aeronautical services to the public and to insure that those who have undertaken to provide commodities and services as approved are not exposed to unfair or irresponsible competition. These Minimum Standards were developed taking into consideration the aviation role of the Yuba County Airport, facilities that currently exist at the Airport, services being offered at the Airport, the future development planned for the Airport, and to promote the competition at Yuba County Airport. The uniform application of these Minimum Standards, containing the minimum levels of service that must be offered by the prospective service provider, relates primarily to the public interest and discourages substandard entrepreneurs, thereby protecting both the established aeronautical

activity and the Yuba County Airport patrons.

FEDERAL GRANT OBLIGATIONS

The Federal Aviation Administration (FAA) contends that it is the prerogative of the airport Sponsor/Owner to impose Rules and Regulations for the operation and use of the airport and Minimum Standards for those wishing to engage in providing public, private, or commercial aeronautical service at the Yuba County Airport or within the Airport Operational Area. Grant obligations involve several distinct requirements. The following issues are most often referred to in lease negotiations:

1. Airport Use and Availability – The Sponsor/Owner of any airport developed with Federal grant assistance is required to operate it for the use and benefit of the public to make it available to all types and kinds of aeronautical activity on fair and reasonable terms and without unjust discrimination.
2. Terms Imposed on FBO's and Airport Users – The terms imposed on those who use the airport and its services, including rates and charges, must be fair, reasonable, and applied uniformly without unjust discrimination, whether by the Sponsor/Owner or an FBO, who has been granted rights to offer services or commodities normally required at an airport. Furthermore, each FBO at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other FBO's making the same or similar uses of such airport using the same or similar facilities.
3. Negotiation is Key – It is ultimately the airport Sponsor/Owner's responsibility under Federal obligations to make the airport as self-sustaining as possible. It is also the airport Sponsor/Owner's responsibility to ensure that the rates and charges are fair and uniformly applied.

The FAA fully supports the early development and continual updating of both the Airport Rules and Regulations and the Minimum Standards.

PURPOSE

Prudent and proper airport administration requires that standards be adopted to establish the minimum acceptable qualifications of participants, level and quality of service, and other conditions which will be required of those proposing to conduct commercial aeronautical activities at Yuba County Airport. The requirement to impose standards on those proposing to conduct commercial aeronautical activities on a public airport relates to the public interest and provides protection from irresponsible, unsafe, or inadequate service.

The adoption and enforcement of such standards ensures that the Operator is reasonably fit, willing and able to discharge both its service obligations to its patrons and its economic obligations to the airport community and protects established commercial enterprises, the aviation users, and the public.

The standards established for any particular commercial aeronautical activity must be relevant to that activity, must be reasonable in scope and must be applied objectively and uniformly. Standards, so established and applied, promote economic stability by discouraging unqualified applicants and foster the level of services desired by the public.

The Minimum Standards:

- Establish a template for safe tenant operations
- Minimize exposure to claims of discrimination or unfair treatment by providers of aeronautical activities and users
- Address environmental liability
- Assure that prospective tenants are treated equally and without unjust discrimination
- Maintain compliance with federal and state grant assurances
- Establish basis for business plan
- Avoid conflicts and relieve political pressures

APPLICABILITY

Operators currently providing Activities without an Agreement or a Commercial Aviation Permit with the County will have six (6) months from the date of adoption of these Minimum Standards to become compliant with these Minimum Standards. These Minimum Standards shall apply to any new Agreement or any amendment of any existing Agreement relating to the occupancy or use of Airport land or Improvements for General Aviation Aeronautical Activities.

DEFINITIONS

As used in these Minimum Standards, the following terms shall have the following meanings:

Air Cargo Operator. An Air Cargo operator is an entity that provides the carriage of property and operates under the appropriate FAR and operates aircraft in accordance with the weight limitations established for the Airport.

Air Charter Operator. An Air Charter operator is an entity that provides on-demand non-scheduled passenger services and operates under the appropriate FAR (14 CFR Part 135 for common carriage or 14CFR Part 125 for private carriage) with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport.

Aircraft, means any contrivance, now known or hereafter invented, used, or designed for navigation of or flight in the air.

Aircraft Maintenance, means the repair, adjustment or inspection of aircraft.

Major repairs include major alterations to the airframe, power plant, propeller and accessories as defined in FAR Part 43.

Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories.

Aircraft Sales Facility, means an entity engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.

Airframe and Power Plant Repair Facility, means an entity operating under FAR Parts 63 and 91, or Part 145, and/or certified as an FAA Repair Station, as applicable, and providing one or a combination of airframe and power plant repair services. This category of services includes the sale of aircraft parts and accessories.

Airport, means the Yuba County Airport, its buildings and facilities, all lands owned by the County of Yuba contiguous to the Airport, including airspace above such land and the designated approaches thereto.

Airport Purpose, means any authority action, undertaking or development that is consistent in maintaining the non-certificated status of the Airport and preserving the Airport funding category as a "Reliever Airport" serving general aviation users. The Airport Purpose does not include scheduled passenger services.

Airport Operating Area (AOA), means the ramp, apron and taxiway system that is typically not controlled by air traffic control.

Apron, means those paved areas of the Airport within the AOA designated by the Airport for the loading and unloading of passengers, servicing, or parking of aircraft.

Avionics and Instrument Repair Facility, means an entity engaged in the business of, and providing a facility for the repair of aircraft radios and electrical systems, instruments and other accessories for aircraft. This category of services includes the sale of aircraft parts and accessories of the type repaired.

CFR, means Code of Federal Regulations, of which Title 14 applies to Aeronautics and Space. The Federal Aviation Regulations (FAR) are a component thereof.

Commercial Aeronautical Activity, means any activity which involves, makes possible, or relates to the operation of aircraft, the purpose of such activity being to secure earnings, income, compensation or profit, whether or not such objective(s) is accomplished. However, Commercial Aeronautical Activity at the Airport shall not include any activity which is contrary to the Airport Purpose. Commercial Aeronautical Activities are specifically defined in the Airport Rules and Regulations.

Commercial Aviation Permit (CAP), means the legal agreement between the Airport and an individual or entity providing a commercial aeronautical activity that grants permission to perform such activity on or from the Airport property, whether directly or indirectly related to aviation activities or aeronautical activities, and with the intent to generate and/or secure earnings, income, compensation (including exchange or barter of goods and services), and/or profit, whether or not such objectives are accomplished.

County, means the County of Yuba.

Development Guidelines, means any County-approved guidelines governing the development on the Airport.

DOT, means Department of Transportation.

Entity, means a person, firm, corporation, or partnership.

Equipment, means all machinery, together with the necessary supplies, tools and apparatus necessary to the proper conduct of the activity being performed.

Exclusive Right, means the power, privilege or other right excluding or debarring another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition or unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties by excluding others from enjoying or exercising a similar right or rights would be an exclusive right. *The granting of an exclusive right to conduct a commercial aeronautical activity on an Airport developed by or improved with federal funds is expressly forbidden by law.*

FAA, means Federal Aviation Administration.

FAR, means Federal Aviation Regulation.

Fixed Base Operator (FBO), means an entity which maintains facilities at the Airport for the purpose of engaging in the retail sale of aviation fuels, aircraft sales/rental, flight instruction and training, air charter, air cargo, aircraft airframe and engine repair, avionics and aircraft line services.

Flight Training/Aircraft Rental Facility, means an entity engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check for the category or categories of pilot's licenses and ratings involved. This category of services includes provisions for the rental of aircraft to the public.

General Aviation, means that portion of civil aviation that encompasses all facets of aviation except scheduled air carriers.

Hazardous Material, means any hazardous or toxic substance, material or waste which is, or becomes regulated, by any local government authority, the State of California or the United States Government. The term *Hazardous Material* includes without limitation, any substance that is (a) defined as a *hazardous substance* under appropriate state law provisions; (b) petroleum; (c) asbestos; (d) designated as *hazardous substance* pursuant to Section 311 of the Federal Water Pollution Control Act (33 USC Section 1321); (e) defined as *hazardous waste* pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act (42 USC Section 9601); or (f) defined as a *regulated substance* pursuant to Subchapter IX, Solid Waste Disposal Act (Regulation of Underground Storage Tanks) (42 USC Section 6991).

Improvements, means all buildings, structures and facilities including pavement, fencing, signs, and landscaping constructed, installed or placed on, under or above any leased area by or with the concurrence of a leased area by or with the concurrence of a lessee. Plans and specifications for all improvements must be approved by the County for conformity with its building and constructions standards. All permits required for the improvements must be obtained prior to construction.

Lease, means a contractual agreement between the County and an entity granting a concession or otherwise authorizing the conduct of certain activities which is in writing and enforceable by law.

Master Plan, means an assembly of appropriate documents and drawings covering the development of the airport from a physical, economical, social, and political jurisdictional perspective and adopted by the City, a copy of which is on file and available for inspection in the airport manager's office.

Minimum Standards for Commercial Aeronautical Activities, otherwise referred to as "Minimum Standards," means those qualifications, standards, and criteria set forth as the minimum requirements established as a condition for the right to engage in commercial aeronautical activities at the Airport, and as they may be amended from time to time.

Operator, means a person, firm, corporation, partnership that leases a facility or facilities at the Airport for the purpose of engaging in commercial aeronautical activities or related services. Included are sub-lessees and those who otherwise operate from a facility or facilities such as Mobile Aircraft Support Service operators.

Principals, means for Corporations all directors, officers, and stockholders holding more than 10% of the company stock; means for Partnerships all general and limited partners.

Property, means anything that is owned by an entity. Property is divided into two types: "real property," which is any interest in land, real estate, or the permanent improvements on it, and "personal property," which is everything else.

Ramp, means a paved area suitable for aircraft parking.

Regulatory Measures, means Federal, state, and county laws, codes, ordinances, policies, rules and regulations, all as may be in existence, hereafter enacted, and amended from time to time.

Repair Facility, means a facility utilized for the repair of aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such facility will be operated in accordance with pertinent FAA regulations.

Rules and Regulations, means those rules and regulations governing the operations of the airport, properly adopted by ordinance of the County Board of Supervisors, and as may be amended from time to time.

Self-Fueling, means the fueling of an aircraft by the owner of the aircraft or the owner's employees using the owner's equipment.

Self-Service Fueling, means dispensing fuel into an aircraft using a commercial self-service aircraft fueling station.

Sublease, means a lease granted by a lessee to another entity of all or part of the property.

Tie-down, means the area, paved, or unpaved, suitable for parking and mooring of aircraft wherein suitable tie-down points have been located.

Weight Limitations, means the maximum allowable weight limits established for the Airport relating to the maximum operating weight of any aircraft. The weight limitations at Yuba County Airport are 75,000 pounds for single-wheel loads, 100,000 pounds for dual-wheel loads, and 150,000 pounds for dual-tandem wheel gear.

GENERAL REQUIREMENTS AND STANDARDS

WRITTEN AGREEMENT WITH THE COUNTY OF YUBA

Prior to commencement of an operation, the Operator will be required to enter into an agreement with the County of Yuba. Such agreement will recite the terms and conditions under which the business will be operated on the Airport, including, but not limited to, the term of the agreement, the rentals, fees and charges, the rights and obligations of the respective parties understood, therefore, that neither conditions therein contained nor those set forth in these Minimum Standards represent a complete recitation of the provisions to be included in the written agreement. Such provisions, however, will neither change nor modify the Minimum Standards nor be inconsistent therewith.

GROUND SPACE, FACILITIES & ACCOMMODATIONS

The Operator shall lease, sublease, and/or construct sufficient ground space, facilities and accommodations for the proposed commercial aeronautical activity. The Operator must provide copies of subleases to the County and receive prior approval for the business proposed before finalizing a sublease arrangement. The following are basic requirements:

- A full description and drawing of the location of the ground space, facilities, and accommodations to be utilized solely for the Operator's proposed commercial aeronautical activity. The Operator must identify the location of its aircraft parking and staging areas, customer lounges, vehicle parking areas, and restrooms.
- The ground space shall include paved access to the Operator's office and paved aircraft apron with tie-down or hangar facilities within the leased area sufficient to accommodate the activities being performed. Ground space shall also include sufficient space for automobile parking.
- The facilities and floor space allotments shall include office and customer lounge facilities. These facilities must be properly heated, ventilated, cooled and lighted.
- The public accommodations shall include telephones for customer use, restrooms, sufficient on-site customer and staff auto parking spaces, and handicap access in accordance with any federal, state and local regulations.
- The Operator shall maintain all pavement constructed by the Operator in good condition. The maintenance of building(s), utility costs, and trash removal shall be the Operator's responsibility. Landscaping and the maintenance of security fences and access gates within the Operator's leased premises shall be the Operator's responsibility.
- For construction of new facilities, the Operator will be subject to the same standards for development as are contained in the County of Yuba Building Code, Fire Code, and the Planning and Zoning Code. All construction plans must be submitted to the County for approval prior to modification or construction of any building, hangar, or other facility on leased premises.
- The business and construction activities of the Operator shall be done in such manner as to avoid the dispersion of foreign object debris on the airfield.

- Operator shall not discriminate against any person or class of persons by reason of race, creed, color, national origin, sex, age, or physical handicap in providing any products or services or in the use of any of its facilities provided for the public, or in any manner prohibited by applicable Regulatory Measures including, without limitation, Part 21 of the Rules and Regulations of the office of the Secretary of Transportation effectuating Title VI of the Civil Rights Act of 1964, as amended or reenacted.

LICENSES AND CERTIFICATIONS

The Operator shall comply with all federal, state, county and/or municipal laws and regulations concerning its proposed operation and, if requested, provide copies of all pertinent permits, licenses and certifications.

PERSONNEL

The Operator shall have in his employ and on duty during operating hours, trained personnel in such number as are required to meet the Minimum Standards and Specific Requirements set forth herein. The Operator shall also provide a responsible person on the leased premises to supervise the operations during all business hours.

All personnel are required to hold appropriate Federal Aviation Administration Certificates and ratings. The person managing the Operator's activities shall have sufficient experience managing a comparable activity to that proposed on the qualified and authorized to represent and act for and on behalf of Operator during all hours of activities with respect to the method, manner, and conduct of the Operator and Operator's activities. When such responsible person is not on the leased premises, such individual shall be immediately available by telephone or pager. The Operator shall have in its employ, on duty, and on premises during hours of activity, properly trained, qualified and courteous personnel in such numbers as are required to meet these Minimum Standards and to meet the reasonable demands of the aviation public for each activity being conducted in a safe, efficient, courteous, and prompt manner.

AIRCRAFT LEASEBACK, SUBLEASE, OR OTHER AIRCRAFT OPERATING AGREEMENTS

All aircraft leases, leasebacks, subleases or other aircraft operating agreements involving commercial activity between an aircraft owner/operator and other parties operating at the Airport shall conform to the standards stipulated for the respective aeronautical activities being performed under the subject agreement.

All aircraft leases, leasebacks, subleases or other aircraft operating agreements involving commercial aeronautical activity at or from the Airport shall include the following: "this agreement shall not violate the Minimum Standards for Commercial Aeronautical Activities as set by the County of Yuba nor shall this instrument be used for the purpose of evading any of the Yuba County Airport Rules & Regulations."

INSURANCE

The Operator shall procure, maintain, and pay premiums during the term of the agreement for insurance of the types and the minimum limits set forth in the specific requirements for the respective commercial aeronautical activities. The insurance company writing the required policy or policies shall be licensed to do business in the State of California. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than A: VII.

All insurance which the Operator is required to carry by the County and keep in force shall include the County of Yuba, its officers, officials, employees and volunteers as additional insureds with respect to liability arising out of the premises owned, occupied or used by the Operator. The coverage shall contain no special limitations on the scope of protection afforded to the County of Yuba, its officers, officials, employees or volunteers.

The Operator shall furnish the County of Yuba with original Certificates of Insurance and endorsements affecting the applicable insurance coverage. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All applicable insurance certificates and coverages shall be received and approved by the County prior to any construction and/or prior to the Operator's entry upon the Airport for the conduct of its business.

Disclosure Requirement: All Operators conducting rental, sales, or flight training shall post a notice and incorporate within their rental agreements the coverages and limits provided to the student or renter by the Operator, as well as a statement advising that additional coverage is available to such student/renter through the purchase of an individual non-ownership liability policy. The Operator shall provide a copy of such notice to the Airport Manager.

FBO FUELING

Although fueling activities performed by a Fixed Base Operator/Full Service are subject to the following standards, the standards are also typically contained as covenants in the FBO's ground lease agreement and may include additional provisions.

SELF-FUELING

Any Operator desiring to self-fuel as a stand-alone Operator or an Operator involved in any commercial aeronautical activity that would not otherwise qualify as a Fixed Base Operator/Full service, shall apply for a Self-Fueling Permit.

Issuance of the permit to the Operator (permittee) is based on the conformance with the following standards:

Self-fueling shall be limited to permittee's own use in aircraft owned by permittee and shall only be conducted on paved apron areas leased or subleased by permittee. The paved areas shall be of a size to permit proper aircraft storage, service, and access to the taxiway/runway system, adequate to satisfy the number of aircraft owned by the permittee. Such services may only be provided by a direct employee of the Aircraft Operator utilizing the vehicles and equipment owned by the Operator. Otherwise, Aircraft Operators are only permitted to have their aircraft fueled, washed, or repaired by those Operators and Lessees authorized to provide such service pursuant to an Agreement with the County.

Self-fueling activities shall be in compliance with all applicable federal, state, and local laws, regulations and codes, and shall be subject to inspection and approval by Airport, Fire Marshal and other local government inspectors having jurisdiction. Operators shall provide to the Airport Manager copies of fuel spill and fire emergency plans and procedures for review and approval. All personnel conducting fueling operators on permittee's premises shall attend safety and training programs which are subject to approval by the Airport and/or the Fire Marshall.

FUEL FLOWAGE FEE

Any entity permitted to dispense fuel on the Airport, including self-fueling permit holders, shall pay a fuel flowage fee that has been established in the Airport Rates and Charges fee schedule, as revised from time to time and approved by Board Resolution, and submit monthly fueling activity reports to the Airport Manager. The FBO or permittee shall maintain liability insurance with coverage for products and completed operations with limits of not less than \$25 million per occurrence. The FBO or permittee shall enter into an agreement with the fuel supplier to guarantee the direct payment of the fuel flowage fee to the County immediately following each delivery of any aviation fuel product by the supplier. The fuel supplier shall provide a copy of the delivery receipt or bill of lading, showing the gravity-corrected and recalibrated net quantity, of which the fee shall be paid within 15 days from the date of delivery.

MOTOR VEHICLES ON AIRPORT

The Operator will control the transportation of pilots, flight crews, and passengers to and from the Operator's facility or office to the Operator's apron and/or tie-down areas. The Operator performing this service with motor vehicles driving on the AOA shall do so only in accordance with the Yuba County Airport Rules & Regulations.

Any Operator using service vehicles on the AOA in the support and conduct of its business shall procure and maintain automobile liability insurance with a coverage of not less than \$1,000,000 per accident for bodily injury and property damage, naming the County as additional insured.

COMMERCIAL USE PERMIT & FEE

All Operators engaged in Commercial Aeronautical Activities at the Airport shall meet or exceed the requirements of this Section as well as the minimum standards applicable to the Operator's activities, as set forth in subsequent sections.

Any Operator not being in possession of a valid ground lease agreement or having entered into a month-to-month lease with the County shall obtain a Commercial Aviation Permit and pay an annual fee. The fee applies to sublessees and subtenants of Operators having leases with the County and shall be due on the first day of July of every year. The fee is subject to adjustment as specified from time to time by resolution of the Yuba County Board of Supervisors.

The Permit authorizes the conduct of business on the Airport and assures that each business maintains liability insurance in accordance with these Standards and may be amended from time to time. Certificates of Insurance required and set forth by these minimum standards for each Activity shall be delivered to the County upon execution of any Agreement or approval. Operator shall furnish additional Certificates of Insurance 30 days prior to any changes in coverage, if the change results in a reduction.

OTHER RATES & CHARGES

The Operator shall pay any applicable rates and charges as set forth by resolution of the Yuba County Board of Supervisors and any special districts assessments placed on airport property. Pursuant to the Airport Rates and Fees (as specified in Administrative Services Code Section 13.00.030) and any subsequent amendments thereto as authorized by the Board of Supervisors, a landing fee for commercial aircraft operations is assessed. The fee only applies to non-based general aviation aircraft engaged in commercial activities, e.g., air taxi, charter or cargo operations conducted under FAR Part 121 and Part 135 or other

applicable FAR's based on maximum certified gross landing weight. Only revenue-producing operations are subject to the landing fee. Landings of aircraft that are based at Yuba County Airport through a written tie-down or hangar lease agreement with the County or the Lessee are exempt from the fee. Further exempt from the fees are landings conducted by military and federal government aircraft as well as landings performed due to in-flight emergencies, maintenance and training.

ENVIRONMENTAL

Any FBO, person, party, firm, or corporation operating on the Yuba County Airport must comply with the Yuba County Airport Storm Water Pollution & Prevention Plan (SWPPP), and any additional federal, stated, or local environmental requirements, as applicable.

EXCLUSIVE RIGHTS

As defined by the FAA in its grant assurances, "Exclusive Right" means the power, privilege or other right excluding or preventing another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition or unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties by excluding others from enjoying or exercising a similar right or rights would be an exclusive right. The granting of an exclusive right to conduct a Commercial Aeronautical Activity on an Airport developed by or improved with federal funds is expressly forbidden by law. If the FAA determines that any provision of these Minimum Standards, Agreement, or a practice constitutes a grant of prohibited Exclusive Right, such provision or practice shall be deemed null and void and/or such practice shall be discontinued immediately.

MULTIPLE SPECIALIZED ACTIVITIES

When more than one Activity is conducted at the Airport by a single Operator, the applicable minimum standards for the Operator shall be determined by the Airport Manager and shall be based upon the most stringent requirements for each of the Activities to be undertaken by the Operator.

FLYING CLUBS

Flying clubs are nonprofit entities organized for the express purpose of providing its members with any number of aircraft for their personal use and enjoyment only. Aircraft must be vested in the name of the club or owners on a pro-rata share. The club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, and replace the aircraft. A flying club qualifies as an individual under the grant assurances and, as such, has the right to fuel and maintain the aircraft with its members. The airport owner has the right to require the club to furnish documents such as insurance policies, and maintain a current list of members as reasonably necessary to ensure that the club is a nonprofit organization rather than an FBO masquerading as a flying club.

STANDARDS BY SERVICE TYPE

Various types of Fixed Base Operators are permitted to operate at the Yuba County Airport. They include the following:

- Fixed-Base Operator / Full Service
- Airframe and Power Plant Repair
- Avionics and Instrument Repair
- Air Charter
- Air Cargo
- Flight Training/Aircraft Rental
- Aircraft Sales
- Specialized Commercial Aeronautical Activities

A qualified applicant may establish a fixed base operation at the airport if any one or any combination of the above basic services are provided, including maintenance and repair commensurate with the type of service offered. Examples of each type follows.

FIXED-BASE OPERATOR (FBO) / FULL SERVICE

A Fixed Base Operator (FBO) is an entity which maintains facilities at the Airport for the purpose of engaging in the retail sale of aviation fuels, aircraft sales/rental, flight instruction and training, air charter, air cargo, aircraft airframe and engine repair, avionics and aircraft line services. For the purpose of these Minimum Standards, an FBO listed shall provide full fuel and line services to all based and transient general aviation aircraft. Minimum Standards for an FBO not providing full services, but engaged in one or in a combination of the aforementioned aeronautical activities are listed following this activity.

The FBO shall provide ground space, facilities, and accommodations sufficient for each of its permitted activities.

SCOPE OF SERVICE

Aircraft – Reference the appropriate sections following for the aircraft requirements for flight training, aircraft rental, aircraft sales, air cargo, and air charter.

Environmental – The FBO shall have a written Spill Prevention Contingency and Control Plan that meets Regulatory Measures for fuel storage facilities. FBO shall be liable and indemnify the County for all leaks, spills, or other damage that may result through the handling and dispensing of fuel. Ensuring the quality of the fuel is the responsibility of the FBO.

Equipment – In regards to Airframe and Power Plant repair activities, the FBO shall provide suitable tugs, tow bars, jacks, dollies and other equipment, supplies and parts equivalent to that required for certification by the FAA as an Approved Repair Station.

Motor Vehicles – The FBO shall provide aircraft-to-lounge ground transportation for transient passengers and pilots.

Personnel – The FBO shall employ sufficient personnel who are appropriately rated by the FAA for the work being performed for each activity. Reference the appropriate sections for

the personnel requirements for flight training, aircraft rental, aircraft sales, air cargo and air charter. The FBO shall have a line or customer service employee on duty at all times during operating hours.

Rates and Charges – The rates and charges for aircraft parking and tie-downs shall be determined by the Yuba County Board of Supervisors and are subjected further to the requirements that all rates and charges shall be reasonable and be equally and fairly applied to all users of its services. All rates and charges will be filed with the Airport Manager.

Subleases – The FBO may sublet a portion of the principal buildings and facilities for the purpose of assisting FBO in the full utilization of its fixed base operation. The FBO is required to provide to the County within ten (10) days of execution a copy of any sublease for building or hangar space to another entity to provide one or more commercial aeronautical activities.

The FBO shall include in any such sublease covenants and assurances from the sublessee regarding compliance with the applicable minimum standards and airport rules and regulations. The commercial aeronautical activities and business purpose shall be clearly stated in the sublease and the sublessee shall be limited to those aeronautical activities. The FBO shall further specify that the operation is under the direct supervision and guidance of the FBO and subject to the terms and conditions of the ground lease in effect between the FBO and the County.

The FBO shall be required to carry public liability insurance for all sublessees or provide a certificate of insurance naming the County of Yuba and sublessee as additional insured. Any entity subleasing FBO space is subject to payment of an annual Commercial Use Permit fee as set by the Yuba County Board of Supervisors.

Taxes and Assessments – The FBO shall, at its expense, pay all taxes and assessments against any building or other structure and personal property on the premises.

REQUIRED ACTIVITIES

Airframe and Power Plant Repair – Aircraft airframe and power plant repair services shall be provided by FAA approved personnel. The minimum requirements are contained further in these standards.

Hangar Keeping – Hangar facilities shall be provided for the storage and maintenance of aircraft, and the FBO shall provide adequate hangar space to the public to accommodate both based and transient aircraft.

Fueling – The FBO shall make satisfactory arrangements with a recognized aviation fuel distributor for the delivery of fuels and oil in such quantities to meet the requirements set forth herein. Fuel flowage fees as set forth by resolution of the Yuba County Board of Supervisors, and as revised and approved from time to time, shall be paid to the Airport Manager monthly for all fuel dispensed by FBO.

Fuel and into-plane delivery of aviation fuels shall be provided by the FBO seven days a week, and between the hours of 8:00 am and 5:00 pm. The FBO shall be able to extend/adjust these operating hours if customers so demand. The FBO shall provide mobile fuel dispensing equipment capable of safe and efficient servicing of all types of general aviation aircraft. All above ground fuel storage tanks shall be installed according to current regulations and shall be subject to approval by the Olivehurst Fire Department and the Yuba County Office of Emergency Services.

The FBO shall maintain current fuel reports on file and make available for auditing at any time by the Airport Manager.

Line Service – Involves buying, storing, selling, and furnishing of aviation fuels and oils to third parties. Line service, including oxygen and nitrogen, facilities to clean and deodorize aircraft toilets and clean both the interior and exterior of aircraft, Unicom, telephone and radio contact to and with service personnel. Line service further includes providing potable water, power starts, ground power, aircraft marshalling, towing, staging and parking, and reservations/arrangements for catering, hotel, rental car, taxi, and limousine services. The FBO shall provide initial and recurrent line service training and certification to all line personnel.

Concessions – Lounge, food and beverage service, including vending machines, catering service and packaged liquor for restocking of aircraft galleys.

Ground Transportation – Car rental and other ground transportation services, automobile parking and automobile and other ground support, support equipment and rental automobiles.

AIRFRAME AND POWER PLANT REPAIR

An Airframe and Power Plant Repair Facility Operator is an entity operating under FAR Parts 63 and 91, or Part 145, and/or certified as an FAA Repair Station, as applicable, and providing one or a combination of airframe and power plant repair services. This category of services includes the sale of aircraft parts and accessories.

In addition to the general requirements that apply to all FBOs, the following minimum requirements must be met:

SCOPE OF SERVICES

Equipment – The Operator shall provide suitable tugs, tow bars, jacks, dollies and other equipment, supplies and parts as necessary to perform the proposed operations, or that required for certification by the FAA as an approved Repair Station.

Licenses & Certifications – If the Operator applies to the FAA for Repair Station Certification under FAR Part 63 and Part 91, evidence of such application shall be submitted to the County.

If the Operator proposes to engage in the overhaul and repair of turbine power plants, FAR Part 145 Certification must be acquired within six months of initiation of operation and a copy must be filed with the Airport Manager.

Repair personnel must be currently and properly certificated by the FAA with ratings appropriate to the work being performed.

AVIONICS AND INSTRUMENT REPAIR

An Avionics and Instrument Repair Facility Operator is an entity engaged in the business of, and providing a facility for the repair of aircraft radios and electrical systems, instruments and other accessories for aircraft. This category of services includes the sale of aircraft parts and accessories of the type repaired.

In addition to the general requirements that apply to all FBOs, the following minimum requirements must be met:

SCOPE OF SERVICE

Licenses & Certifications – The Operator shall have a FAR Part 145 Certificated Radio Repair Station for Class 1 and 2 radio repairs. Repair personnel must be currently and properly certificated by the FAA with ratings appropriate to the work being performed.

Operating Hours – The Operator shall provide service in this category at least eight hours daily, five days a week. During non-operating hours, the Operator shall post or make otherwise known a telephone number or other contact provisions to permit an emergency call out.

Personnel – The Operator shall employ sufficient personnel who are appropriately rated by the FAA for the work being performed and who hold airframe, power plant, or aircraft inspection ratings. The Operator shall have an employee in the office at all times during the required operating hours.

AIR CHARTER

An Air Charter Operator is an entity that provides on-demand, non-scheduled passenger services and operates under the appropriate FAR with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport.

SCOPE OF SERVICE

Aircraft – The Operator shall have available for charter, either owned or under written lease to the Operator, at least one aircraft or helicopter, which must meet the requirements of the appropriate FAR Certificate held by the Operator.

Licenses & Certifications – The Operator shall obtain FAA certifications under one or more of FAR 91, 121, 125, 135 and 137. The Operator shall provide evidence of any certification approvals, including the Preapplication Statement of Intent (FAA Form 8400-6), the Registrations & Amendments Under Part 298 (OST Form 4507), the FAA issued operating certificate, or any other forms that FAA or DOT may require or adopt that are pertinent to this category.

Operating Hours – The Operator shall have its services available to meet the public demand for this category at least eight hours per day, five days each week.

Personnel – The Operator shall have in its employ a sufficient number of qualified Commercial or Airline Transport rated pilots. If the Operator occupies an office, at least one employee shall be provided in the office at all times during the required operating hours. Otherwise, a telephone number or other contact provisions shall be provided to permit employee call-out during operating hours.

AIR CARGO

An Air Cargo Operator is an entity that provides the carriage of property under the appropriate FAR and operates aircraft that are within the weight limitations established for the airport.

SCOPE OF SERVICE

Aircraft – The Operator shall have available for cargo transport, either owned or under written lease to the Operator, at least one aircraft or helicopter, which must meet the requirements of the appropriate FAR Certificate held by the Operator.

Licenses & Certifications – The Operator shall have and provide evidence of the appropriate FAA and DOT certifications and approvals, including the Preapplication Statement of Intent (FAA Form 8400-6), the Registrations & Amendments Under Part 298 (OST Form 4507), the FAA issued operating certificate, or any other forms that FAA or DOT may require or adopt that are pertinent to this category.

Operating Hours – The Operator shall have its services available to meet the public demand for this category.

Personnel – The Operator shall have in its employ a sufficient number of qualified pilots.

FLIGHT TRAINING/AIRCRAFT RENTAL

A Flight Training/Aircraft Rental Facility Operator is an entity engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check for the category or categories of pilot's licenses and ratings involved. This category of services includes provisions for the rental of aircraft to the public.

SCOPE OF SERVICE

Aircraft – The Operator shall have available for use in flight training, either owned or under written lease to the Operator, at least one certificated and currently airworthy aircraft or helicopter.

Licenses & Certifications – The Operator shall conduct the flight school activities under FAR Part 61 or Part 141. If the Operator is a FAR Part 141 approved flight school, the Operator shall provide evidence of such FAA certification.

Operating Hours – The Operator shall have its premises open and services available to meet the public demand for this category at least eight hours per day, six days each week.

Personnel – The Operator shall have in its employ sufficient flight and ground instructors who meet the standards expressed under FAR Part 91 or Part 141. If renting aircraft, the Operator shall have in its employ a person or persons having current flight instructor ratings. The Operator shall provide at least one employee in the facility office at all times during the required operating hours.

AIRCRAFT SALES

An Aircraft Sales Facility Operator is an entity engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services, and parts as necessary to meet or warranty on new or used aircraft sold by it.

SCOPE OF SERVICE

Aircraft – The Operator shall provide or have available sufficient aircraft of each model offered for sale, for the purpose of demonstration.

Operating Hours – The Operator shall have its premises open and services available to meet the public demand for this category at least eight hours per day, six days each week.

Personnel – The Operator shall employ, or have available on call, a sufficient number of pilots with appropriate ratings, who shall be current in all models to be demonstrated. The Operator shall provide at least one employee in the facility office at all times during the required operating hours.

Spare Parts – The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges is granted.

Warranty Repairs & Services If the Operator is FAA rated to perform warranty repairs and services and has adequate facilities to perform such work, such repairs and services shall be required. Otherwise, the Operator selling aircraft with guarantee or warranty assurances shall be obligated to arrange for proper repair and service of those aircraft.

SPECIALIZED COMMERCIAL AERONAUTICAL ACTIVITIES

A **Specialized Commercial Aeronautical Activity** is an entity engaged in *aircraft support service*, *commercial activity support service*, or in *air transportation for hire* for the purpose of providing the use of aircraft for the activities listed below:

Aircraft Support Services – are defined as aircraft, engine or accessory maintenance (for example, washing, painting, upholstery, magneto repairs, etc.) or other miscellaneous activities directly related to aircraft support. Mobile Aircraft Support Services operations might be permitted for aircraft washing, detailing, or other uncommon specialized activities.

Commercial Activity Support Services – are defined as ground schools, simulator training, charter flight coordinators, aircrew or aviation management or any other miscellaneous activities directly related to supporting or providing support services for a commercial activity.

Air Transportation for Hire – are defined as non-stop sightseeing flights (airplane or helicopter flights that begin and end at the Yuba County Airport and are conducted within 25 statute miles of Yuba-Sutter Counties; aerial photography or survey; fire fighting; power line, underground cable or pipeline patrol; banner towing, crop dusting or any other miscellaneous activities directly related to air transportation service (for example, flight instruction provided in student-owned or rented aircraft, or helicopter operations in construction or repair work).

SCOPE OF SERVICES

Aircraft – When required by the nature of its operation, the Operator shall provide and have based on its leasehold, either owned or under written lease to lessee, at least one aircraft which will be airworthy, meeting all FAA requirements and applicable regulations of the State of California with respect to the type of activity performed.

Environmental – Operators providing services involving aircraft maintenance, washing or painting, crop dusting, aerial application, or other commercial use of chemicals and cleaners shall comply with the local rules and regulations and the requirements of the Yuba County Airport's Storm Water Pollution & Prevention Plan (SWPPP).

Licenses & Certifications – The Operator shall have and provide evidence of all Federal, State, and local certificates, permits, etc., required for the activity.

Operating Hours – The Operator shall provide, by means of an office and telephone, a point of contact for the public desiring to utilize the Operator's services.

INSURANCE FOR COMMERCIAL AERONAUTICAL ACTIVITIES

In addition to the general requirements for commercial aeronautical activities, the following minimum requirements must be met:

Operator shall procure and maintain for the duration of the ground lease, sublease, or occupancy of the leased premises insurance against claims for injuries to persons or damage to property which may arise from, or in connection with the Operator's operation, use of the Premises or this Lease, which shall be acceptable to the County's Risk Manager. The cost of such insurance shall be borne by the Operator.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001).
2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
3. Worker's Compensation Insurance as required by the State of California and Employer's Liability Insurance.
4. Property Insurance against all risks of loss to any tenant improvements or betterments, including flood and earthquake.

Minimum Limits of Insurance

Operator shall maintain limits no less than:

1. General Liability: \$1,000,000 (\$3,000,000 if Full Service FBO) per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Coverage shall include but not be limited to: blanket contractual; products/completed operations; hangarkeepers liability, and broad form property damage.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
4. Property Insurance: Full replacement cost with no coinsurance penalty provision.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the County's Risk Manager.

Other Insurance Provision

The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. The County of Yuba, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of Premises owned,

occupied or used by the Operator. The coverage shall contain no special limitations on the scope of protection afforded to the County of Yuba, its officers, officials, employees, agents or volunteers.

2. The Operator's insurance coverage shall be primary insurance as respects the County of Yuba, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the County of Yuba, its officers, officials, employees, agents or volunteers shall be excess of the Operator's insurance and shall not contribute with it.
3. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the County of Yuba, its officers, officials, employees, agents or volunteers.
4. Coverage shall state that the Operator's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be sus-pended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the County of Yuba.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, licensed to do business in California.

Verification of Coverage

Operator shall furnish a copy of these requirements to Operator's insurance agent. The agent shall furnish the County's Risk Manager with Certificate(s) of Insurance and original endorsements evidencing coverage required by this clause. By sending the requisite documents, the agent is certifying the Operator maintains the appropriate coverage. The documents are to be signed by a person authorized by that insurer to bind coverage and endorse policies on its behalf. All documents are to be received and approved by the County of Yuba before Operator takes possession, or begins work on the Premises. The County of Yuba may for any reason require the Operator to provide complete, certified copies of all required insurance policies effecting the coverage required by these specifications. Operator, or its insurance agent, shall furnish County with evidence of insurance 30 days prior to expiration of the current certificate(s).

MINIMUM REQUIREMENTS FOR A BUSINESS PLAN

Following are the minimum requirements necessary for a business plan submittal:

1. All services that will be offered
2. Amount of land desired to lease
3. Building space that will be constructed or leased
4. Number of aircraft that will be provided
5. Equipment and special tooling to be provided
6. Number of persons to be employed
7. Short resume of each of the owners and financial backers
8. Short resume of the manager of the business (if different than above), including the person's experience and background in managing a business of this type
9. Provide days and hours of operation
10. Amounts and types of insurance coverage to be maintained
11. Evidence of the projections of the first year and the succeeding years of operation
12. Methods to be used to attract new business (advertising and incentives)
13. Amenities to be provided to attract business
14. Plan for physical expansion, if business should warrant such expansion