

**Minimum Standards  
for  
Commercial Aeronautical Activities**

**Oregon State-Owned Category IV Airports  
Oregon Department of Aviation**

**As approved by the State Aviation Board**

**April 17, 2002**

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## **SECTION 1 AUTHORITY FOR AND PURPOSE OF MINIMUM STANDARDS**

### **1.1 Compliance with Federal Law**

All of those airports identified by the Oregon State Aviation Plan as Category IV airports have been developed and improved with Federal Aviation Administration Airport Improvement Program (AIP) funds.

The adoption of minimum standards for commercial aeronautical activities for Category IV airports is intended to comply with federal law prohibiting the grant of exclusive rights to use an airport that has received federal funding through AIP funds. The adoption of minimum standards is highly recommended by the FAA as a means to comply with federal law and regulations concerning exclusive rights. The FAA does not require the adoption of minimum standards, but recommends adoption to ensure that an airport is managed in compliance with federal law. The State Aviation Board intends to comply with federal law and in particular with FAA Advisory Circular 150/5190-5 (Exclusive Rights and Minimum Standards For Commercial Aeronautical Activities, effective April 7, 2000).

### **1.2 Compliance with State Law**

The Oregon State Aviation Board is authorized to “perform such acts, adopt or amend and issue such orders, rules and regulations, and make, promulgate and amend such minimum standards, all consistent with the provisions of this chapter, as it considers necessary to carry out the provision of this chapter and to perform its duties thereunder. ORS 835.035(1).

The Board is to exercise and perform all authority, power and duty delegated to it “in all respects commensurate with and for the purpose of protecting and insuring the general public interest and safety, the safety of persons receiving instruction concerning, or operating, or using or traveling in aircraft, and of persons or property on land or water, and to develop and promote aviation in this state.” ORS 835.035(3).

Any such exercise is also limited by the requirement that all state rules and regulations “be kept in conformity with, and limited to, as nearly as may be, the then current federal legislation governing aviation, the regulations promulgated thereunder, and rules and standards issued from time to time pursuant thereto.” ORS 835.040.

ORS 836.025 gives the Department of Aviation the authority to operate state-owned airports and to “plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the state.” An airport is defined in ORS 836.005(3) as

Any area of land or water, within or without this state, that is used, or intended for use, for the landing or take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings or other airport facilities located thereon.

Oregon law defines airports as the land that is used, or intended for use, for airport buildings or facilities. The actual ownership of the land is not a limiting factor in that definition. As a result, a state airport includes not just the land owned by the Oregon Department of Aviation on behalf of the state, but all land appurtenant to the state-owned land that is used, or intended for use, for airport buildings or facilities. The board and department recognize their obligations on behalf of the state-owned airports include regulation of aviation activities on property that accesses the state-owned land for landing and takeoff of aircraft via “through the fence” agreements.

With respect to commercial activities at state airports, ORS 836.055 provides that the Department may enter into “contracts, leases and other arrangements for a term not exceeding 30 years with any persons.” The Department may “grant the privilege of using or improving such airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes.” ORS 836.055(1)(a). “In each such case the department may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services.” ORS 836.055(2).

These “terms and conditions” established for commercial activities may be applied to any grant of the privilege of using or improving the airport, including to those who use the airport with a “through the fence” agreement from private property adjacent to the state-owned portion of the airport.

### **1.3 Commercial Activity Authorization**

When ODA determines that a person is engaged or proposes to engage in commercial activity at a state-owned airport, ODA may grant that person permission to do so, may issue that person a permit with restrictions or conditions, may require the person to enter into a lease or agreement with ODA, or may deny such permission. ODA will consider the following criteria in determining if a commercial aeronautical activity will be authorized to conduct business:

1. The terms and conditions of any pre-existing commercial operators at the airport providing comparable services.
2. The impact of the new commercial on public safety and convenience. ODA will impose conditions and restrictions necessary to ensure safety in the air and on the ground, and to preserve unobstructed traffic patterns and runway approaches.
3. The amount of space at the airport, the customary uses of the airport, and the compatibility of the new commercial activity with present and planned development at the airport.
4. The degree to which the new commercial activity complies with federal, state and local laws and regulations, including land use regulations.
5. Whether the new commercial activity is conducted for profit or non-profit and its promotion of aviation, safety or education.

### **1.4 Purpose of Minimum Standards**

Minimum standards are intended to help meet the State Aviation Board’s goals. These include developing aviation as an integral part of Oregon’s transportation network; creating and implementing strategies to protect and improve Oregon’s aviation system; encouraging aviation-related economic development; supporting aviation safety and education; and increasing

commercial air service and general aviation in Oregon. In addition, the Board adopts these standards to ensure that:

- Any person who uses or accesses state-airport property or facilities for commercial activity shall compensate the state at fair market value (fair market rent) for such use and privileges.
- No person receives a competitive advantage through free or less-than-fair market value (rent) to utilize state facilities when other comparable commercial operators are compensating the state at fair market value (rent) for the same use.
- Airport public areas, roads, taxiways, runways and aprons remain available and open for public aeronautical use.

Minimum standards are adopted to provide the threshold entry requirements for those persons desiring to provide commercial aeronautical services to the public at the airport. The minimum standards are established based upon the conditions at the individual airport, the existing and planned facilities at the airport, and the current and future aviation role of the airport. The prospective commercial aeronautical operator shall agree to offer the described minimum level of services in order to obtain an agreement, permit or lease to operate at the airport. In summary, the airport minimum standards establish the minimum requirements to be met by individuals and companies for the privilege of providing commercial aeronautical services at the airport. All operators are encouraged to exceed the “minimum” in terms of quality of facilities and services.

The implementation of minimum standards will assist ODA in the management of the Category IV Airports by:

1. Establishing uniform requirements and their application to all prospective operators.
2. Maintaining compliance with federal grant assurances.
3. Maintaining the orderly and efficient development of an airport and the airport’s commercial aeronautical services.
4. Establishing a consistent level of entry into aeronautical service.
5. Ensuring adequate services and facilities by FBO operators to meet the needs of airport users.

These minimum standards are established specifically for Category IV airports located in or near urban or prime recreational areas, with medium aircraft traffic volume and good growth potential. The Oregon airport system is an important component of the state's overall transportation network. The airports generate economic growth and livability throughout the state. In addition to the federal grant assurance obligations, the Oregon Department of Aviation has established minimum standards to foster safe, efficient, and high quality commercial aeronautical services for the airport users and tenants.

## SECTION 2 DEFINITIONS

### 2.1 **Definitions**

All definitions contained in this section apply to the Oregon Department of Aviation Minimum Standards, Rules and Regulations, Rates and Charges Policy, and Leasing Policies regarding State-owned Airports. Definitions are taken from Oregon Revised Statutes, Oregon Administrative Rule, Federal Aviation Regulations, Federal Aviation Administration Advisory Circulars, U.S. Department of Transportation Aeronautical Information Manual, and other sources as appropriate.

#### A. **Aircraft**

*(1) Aircraft* - any contrivance used or designed for navigation or flight in the air but does not mean a one-person motorless glider that is launched from the earth's surface solely by the operator's power.

*(2) Aircraft Fuel* - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine, which meet the standards of ASTM D910-Latest(AVGAS) and D1655-Latest(JETA).

*(3) Aircraft Operation* - an aircraft arrival at, or departure from, the airport.

*(4) Aircraft Owner* - a person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.

*(5) Aircraft Parking and Storage Areas* - those hangar and apron locations of the Airport designated by the ODA Director or Airport Manager for the parking and storage of aircraft.

**(6) Aircraft Rental** - the commercial operation of renting or leasing aircraft to the public for compensation.

**(7) Aircraft Sales** - the sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.

**(8) Based Aircraft** - an aircraft which the owner physically locates at the airport for an undetermined period, and whenever absent from the Airport, its owner intends to return the aircraft to the airport for long-term storage.

**(9) On-Demand Operation** – any operation for compensation or hire as defined in FAR Part 119.

## **B. General**

**(1) Aeronautical Activity** - any activity or service conducted at the Airport that involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, on-demand operations, aircraft fueling, aircraft storage, flight training, aircraft rental, aircraft sales, aircraft repair and maintenance, and any other activities, which because of their relationship to the operation of aircraft can appropriately be regarded as an “aeronautical activity.”

**(2) Airframe and Power Plant Maintenance** - the commercial operation of providing airframe and power plant services, which includes any of the following: the repair, maintenance, inspection, constructing, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul. This category of service also includes the sale of aircraft parts and accessories.

**(3) Airport** – means any area of land or water, within or without this state, that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

**(4) Airport Layout Plan** - the plan of an airport showing the layout of existing and proposed airport facilities, which has been approved by the FAA.

**(5) Commercial Activity** - the conduct of any aspect of a business, concession, operation, or agency in order to provide goods or services to any person for compensation or hire. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

**(6) Commercial Operator (Operator)** - a person, firm, corporation, or other entity conducting commercial aeronautical services or activities at the Airport for compensation or hire.

**(7) Exclusive Right** - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, by the imposition of unreasonable standards or requirements, or by any other means.

**(8) General Aviation** - all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire.

**(9) Hazardous Material** - any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, the State of Oregon, or any political subdivision thereof, and the presence of which requires investigation, removal and/or remediation.

**(10) Minimum Standards** - the qualifications or criteria, which may be established by the Airport owner as the minimum requirements that shall be met by businesses engaged in on-airport aeronautical activities for the right to conduct those activities. These “operating” Minimum Standards are different from and not related to the Airport “dimensional & layout” minimum standards described in the Oregon Administrative Rules 738, Division 20.

**C. Governmental**

**(1) ODA** - the Oregon Department of Aviation (formerly the Oregon Department of Transportation-Aeronautics Division) established by the Oregon State Legislature on July 1, 2000.

**(2) Director** - the duly appointed Oregon Department of Aviation Director or the Director’s designee.

**(3) Airport Manager** – The designated individual or duly authorized individual appointed by the Director to administer and manage all operations of the Airport and Airport facilities, and to supervise all Airport projects.

**(4) Airport Categories** - The five categories of Oregon State-owned airports as defined in the Oregon Aviation Plan dated February 2000:

CATEGORY	SIGNIFICANT FUNCTION	DESIGNATION CRITERIA
<b>1) Commercial Service Airports</b>	Accommodate scheduled major/national or regional/commuter commercial air carrier service	Scheduled commercial service
<b>2) Business or High Activity General Aviation Airports</b>	Accommodate corporate aviation activity including business jets, helicopters, and other general aviation activities.	30,000 or more annual operations, of which a minimum of 500 are business related (turbine) aircraft. Business use heliports.
<b>3) Regional or General Aviation Airports</b>	Accommodate a wide range of general aviation users for large service areas in outlying parts of Oregon. Many also accommodate seasonal regional fire response activities with large aircraft.	Generally less than 30,000 operations Geographically significant locations with multiple communities in the near service area. Nearest Category I airport is more than 90 minutes average travel time by road.
<b>4) Community General</b>	Accommodate general aviation users	2,500 or more annual operations or

<b>Aviation Airports</b>	and local business activities.	more than ten based aircraft.
<b>5) Low Activity General Aviation Airports</b>	Accommodate limited general aviation use in smaller communities and remote areas of Oregon. Provide emergency and Recreational use functions.	Less than 2,500 annual operations and ten or fewer based aircraft.

(5) *FAA* - the Federal Aviation Administration.

(6) *FAR* - the Federal Aviation Regulations as published by the FAA.

**D. Fueling**

(1) ***Fueling or Fuel Handling*** - the transportation, sale, delivery, dispensing, or draining of fuel or fuel waste products to or from aircraft.

(2) ***Fuel Storage Area*** - any portion of the Airport designated temporarily or permanently by ODA as an area in which aircraft fuel or any other type of fuel may be stored or loaded.

(3) ***Self-Fueling*** - Fueling an aircraft by the pilot using fuel pumps installed for that purpose. The fueling facility may or may not be attended by the owner/operator of such a facility. The use of this type of facility is not considered to be self-service.

(4) ***Self-Service*** – Fueling or maintenance of an aircraft on airport property, performed by the aircraft owner or operator in accordance with the airports reasonable standards or requirements and using fuel obtained by the aircraft owner from the source of his/her preference.

### **E. Leases and Agreements**

**(1) Lease** - the written contract between the Oregon Department of Aviation and a Person (Lessee) specifying the terms and conditions under which an Person may occupy and operate from certain Airport facilities and/or property.

**(2) Sublease** - the written agreement stating the terms and conditions under which a third party Person leases space from a Lessee for the purpose of providing aeronautical services at the Airport.

**(3) Agreement** - the written agreement between the Oregon Department of Aviation and a Person specifying the terms and conditions under which the Person may conduct commercial aviation activities or access the airport property “through-the-fence.”

**(4) Permit** - administrative approval issued by the Oregon Department of Aviation to a Person or company to conduct a commercial aeronautical activity, and provide such services, to based and transient aircraft, only from facilities and locations where such services are authorized.

**(5) Person** –any individual, firm, partnership, corporation, company, association, jointstock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

**(6) Caretaker** - a Person under contract agreement with ODA to oversee, inspect, and maintain specific Airport facilities and operations.

**(7) Through-the-fence commercial operation** – a commercial activity that is directly related to the use of the airport but is developed or located off airport sponsor-owned property beyond the sponsor’s control. It also includes services performed on the airport by individuals or companies which may or may not have a lease or permit from the sponsor to perform such services.

## **F. Services**

**(1) Avionics Sales and Maintenance** - the commercial operation of providing for the repair and maintenance of aircraft radios, instruments and accessories. Such operation may include the sale of new or used aircraft radios, instruments and accessories.

**(2) Fixed Base Operator (FBO)** - a full service commercial operator who engages in the primary activity of aircraft refueling and a minimum of one (1) of the following secondary activities: airframe and power plant maintenance, flight training, aircraft rental, on-demand operations, avionics maintenance and sales, and aircraft storage/hangars rentals.

**(3) Flight Training** - the commercial operation of instructing pilots in dual and solo flight, in any aircraft, and related ground school instruction as necessary to complete a FAA written pilot's examination and flight check ride for various categories of pilots certificates and ratings.

**(4) Flying Club** – a non-commercial and nonprofit entity organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment. Aircraft must be vested in the name of the flying club owners on a pro-rata share, and the club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, and replace the aircraft.

**(5) Preventive Aircraft Maintenance** - maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in FAR Part 43, except for Item 22 in the Regulation. Item 22 involves the replacement of prefabricated fuel lines, and shall, for purposes of these regulations, be considered a major aircraft repair.

**(6) Specialized Aviation Service Operation (SASO)** - an aeronautical business that offers a single or limited service according to established Minimum Standards. Examples of a SASO include, but are not limited to: flight training, aircraft maintenance, on-demand operation or ambulance, aircraft sales, avionics maintenance and sales, and aircraft storage.

**(7) *Mobile Service Provider (MSP)*** – a person or entity who provide commercial aeronautical services but does not operate out of owned or leased property on the airport.

## **G. Infrastructure**

**(1) *Roadway*** - any street or road whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.

**(2) *Taxilane*** - the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage areas.

**(3) *Taxiway*** - a defined path established for the taxiing of aircraft from one part of the Airport to another.

**(4) *UNICOM*** - a non-government communication facility which may provide airport information at certain airports..

**(5) *Vehicle Parking Area*** - any portion of the Airport designated and made available temporarily or permanently by ODA for the parking of vehicles.

## SECTION 3 APPLICATION OF MINIMUM STANDARDS

### 3.1 **General application requirements**

All persons conducting commercial aeronautical activities at the airport shall, as a condition of conducting such activities, comply with all the requirements set forth in these minimum standards. The minimum standards are deemed to be a part of each commercial airport operator's lease, license, permit or agreement with ODA, unless any such provisions are expressly waived or modified by ODA in writing. The mere omission of any particular minimum standards in a lease, license, permit or agreement shall not constitute a waiver or modification of the standard unless the document expressly states that ODA waives application of that standard.

#### ***3.1.1 Existing operators***

These minimum standards will not apply to commercial aviation operators who have a current lease, license, agreement or permit with ODA. Minimum standards will be applied to existing operators upon renewal of the lease, license, agreement or permit.

Existing operators who are unable to meet the minimum standards at the time of lease, license, agreement or permit renewal shall submit a plan outlining specific timelines for complying with the minimum standards. The director must approve the plan prior to renewal of the lease, license, agreement or permit.

#### ***3.1.2 Multiple services***

When a commercial operator conducts multiple activities pursuant to one lease, license, agreement or permit with ODA, the commercial operator shall comply with the minimum standards established for each separate activity or SASO. If the minimum standards for one

activity are inconsistent with the minimum standards for another activity, then the minimum standard that is stricter or imposes a higher standard shall apply.

### **3.2 Activities not covered by minimum standards**

Activities with no specific minimum standard in this policy will be addressed by ODA on a case-by-case basis in the commercial operator's written lease, license, permit or agreement.

### **3.3 Waivers or modifications**

The ODA Director may waive or modify any portion of these minimum standards for the benefit of a governmental agency performing non-profit public services, fire protection or emergency response operations. The Director may waive or modify any portion of these minimum standards for any person when it is determined that such waiver is in the best interest of the public and will not result in unjust discrimination against other commercial operators at the airport.

### **3.4 Application of minimum standards to "through the fence" agreement operators**

The State Aviation Board intends to fully exercise its statutory authority by requiring that all commercial users of state airports comply with these minimum standards, whether the commercial activity occurs on the state-owned portion of the airport or on portions of the airport in private ownership, if the commercial activities utilize the airport with a "through the fence" agreement. A "through the fence" agreement, also referred to as an access or ingress/egress agreement, authorizes a person or operator to access the state-owned portion of the airport from privately owned property for the purpose[s] stated in their agreement.

#### ***3.4.1 Existing Through-the-fence Operators with Agreements***

If a person or operator has an existing ingress/egress agreement with ODA before the effective date of these minimum standards, then the person or operator is not subject to the

minimum standards during the remaining period of the agreement. The minimum standards will be applicable when the agreement is renewed.

Existing operators who are unable to meet the minimum standards at the time of renewal of the ingress/egress agreement shall submit a plan outlining specific timelines for complying with the minimum standards. This plan must be approved by the Director prior to renewal of the ingress/egress agreement.

### ***3.4.2 Existing Through-the-fence Operators without Agreements***

If a person or operator is performing a through –the-fence commercial aeronautical service without a current ingress/egress agreement with ODA, that person or operator shall either apply for an ingress/egress agreement within 30 calendar days of notification by ODA or cease accessing the airport. The application review and permitting process shall include appropriate levels of insurance, a written plan indicating compliance with all laws and regulations, and a point-of-contact person responsible for all proposed aeronautical activities. ODA retains the right to restrict or deny any through-the-fence access, if airport safety or efficiency is compromised by the existence of the proposed service or activity. Each activity shall meet and maintain compliance with all applicable minimum standards.

### ***3.4.3 Proposed through-the-fence agreements***

Any person or operator who proposes a new aeronautical service or new access to the airport using an ingress/egress agreement shall first apply to ODA for approval of an agreement. ODA will consider and evaluate a new development application on a case-by-case basis, with consideration to airport safety and operating efficiency factors.

## **3.5 Minimum standards review, revisions and amendments**

ODA will conduct, at a minimum, a bi-annual review of the minimum standards document to determine the changes in the airport business and regulatory environment. The Director may

make revisions and amendments to the minimum standards after the bi-annual review and any other time necessary to comply with FAA regulations or to accomplish the state's goals.

### **3.6 Enforcement**

ODA has established fair, practical and reasonable minimum standards for each category of state-owned airports. The minimum standards are susceptible to challenge if not enforced properly and uniformly. Any commercial business operator who is making an investment at a state-owned airport deserves the continuity of fair and uniform enforcement. It is the intent of ODA to provide consistent, uniform, and fair enforcement of these minimum standards to accomplish the ODA's goals and promote successful commercial business operations at all state-owned airports.

## SECTION 4 BUSINESS OPERATIONS

### 4.1 **Employee Conduct and Customer Service Emphasis**

The Oregon Department of Aviation works diligently to provide high quality services to the needs and requests of State airport users. As such, ODA requires its commercial operators, businesses, and tenants to do the same. State-owned airports have the opportunity to position themselves as **high quality** airport facilities where customers and users have their needs met and exceeded. Consequently, the goal of the ODA is straight-forward: offer the tenants and users of state-owned airports commercial operators that provide high quality customer service by meeting and exceeding customer needs through consistent, responsive, and professional service.

### 4.2 **Management Control and Supervision**

Each commercial operator is required to employ the necessary quantity of trained management and supervisors to provide for the efficient, safe, and orderly compliance with its lease, agreement, or permit obligations.

### 4.3 **Personnel Training and Certification**

All commercial operator personnel shall be fully qualified and trained to provide a high quality standard of courteous, efficient, and safe service to the public and customers. Personnel shall meet all Federal, State, and local training and certification requirements applicable to their individual duties and company services.

### 4.4 **Interference with Utilities**

No operator shall do or permit to be done anything that may interfere with the effectiveness or accessibility of the Airport or public utility system, drainage system, sewer system, fire protection system, sprinkler system, alarm system or fire hydrant. If an operator

discovers such a situation, the operator is required to notify the local fire department or utility company and ODA immediately.

## **SECTION 5 MINIMUM STANDARDS FOR FIXED BASE OPERATORS**

### **5.1 Primary Aeronautical Services**

A Fixed Base Operator (FBO) is an entity engaged in the business of providing the primary service of staffed or unstaffed (self-fueling) aircraft fueling as described in Sections 5.6. Each Oregon State-owned *Category IV* airport Fixed Base Operator shall provide one of the following secondary FBO services, which are described in Section 5.7: flight training, airframe and power plant maintenance, aircraft rental, and aircraft storage/hangars. Only FBOs shall be permitted to provide fueling services and facilities at *Category IV* Oregon State-owned airports.

Each FBO may subcontract or use third party operators to provide any primary or secondary services. Subcontractors and third party operators shall meet all Minimum Standards.

Each FBO shall conduct its business and activities on and from the leased/assigned premises in a professional manner consistent with the degree of care and skill exercised by experienced FBOs providing comparable products, services, and activities from similar airports in like markets.

### **5.2 Leasehold Size**

#### **5.2.1 *Buildings***

The FBO shall lease or construct, on the property, a public use terminal building capable of meeting business demand, as approved by the director.

#### **5.2.2 *Vehicle Parking***

Each FBO shall provide adequate parking to meet the needs of customers and employees in accordance with local building codes but not less than three (3) paved parking spaces on the property.

### ***5.2.3 Aircraft Parking***

Each FBO shall provide property for its aircraft operating area (ramp), independent of any building area, vehicle parking area, and fuel storage area. This aircraft operating area shall provide transient aircraft parking and tie-downs for a minimum of three (3) aircraft. This tie-down ramp area shall be adequate to support all the activities of the FBO and all approved subtenants. The ramp shall be well maintained and kept clean and free of FOD.

## **5.3 Hours of Operation**

Each FBO is required to be open for business and provide aircraft fueling and line services a minimum of five (5) days per week, during appropriate business hours. Business hours, including holiday closures, must be recorded with ODA in advance. Each FBO shall be on a twenty-four (24) hour on-call basis to provide after-hours fuel service within four (4) hours of a customer request. As such, each FBO shall provide a communications link for the after-hours on-call fueling services. If multiple FBOs are providing fuel service on the Airport, a mutually agreeable schedule can be developed to meet the after-hours on-call fueling requirement and shall be recorded with ODA.

## **5.4 Staffing and Employee Qualifications**

### **5.4.1 *Staffing***

Each FBO shall have on duty during the required hours of operation a quantity of personnel necessary to meet the Minimum Standards for each aeronautical service provided. However, multiple responsibilities may be assigned to employees where feasible. Each FBO shall have at least one (1) person on duty at all times during hours of operation, and provide ODA, and keep current, a written statement of names, addresses, and contacts for all personnel responsible for the operation and management of the FBO. In addition, ODA shall be provided a point-of-contact with phone numbers for emergency situations.

### **5.4.2 *Personnel Qualifications***

All FBO fuel handling personnel shall be trained in the safe and proper handling, dispensing, and storage of aviation fuels. The FBO shall develop and maintain Standard Operating Procedures (SOP) for refueling and ground handling operations and shall ensure compliance with standards set forth in the Uniform Fire Code and FAA Advisory Circular 00-34A, Aircraft Ground Handling and Servicing. The SOP shall address bonding and fire protection, public protection, control of access to the fuel storage area, and marking and labeling of fuel storage tanks and fuel dispensing equipment, and shall be submitted to ODA no later than thirty (30) days prior to the FBO commencing fueling activities.

Additionally, the FBO shall comply with FAA Advisory Circular 150/5230-4, Aircraft Fuel Storage, Handling, and Dispensing on Airports, Airport rules and regulations, and all other applicable laws related to aircraft fuel handling, dispensing and storage. Each FBO shall obtain all applicable fueling certifications and permits, and receive periodic refresher training as required. ODA and/or the FAA may periodically conduct inspections of the FBO activities and facilities to ensure compliance with laws, regulations, and Minimum Standards.

## **5.5 Insurance Requirements**

Each FBO shall meet all State of Oregon insurance requirements and shall therefore maintain the types and amounts of insurance as specified in the lease, permit or agreement.

## **5.6 Primary FBO Services**

### **A. Fueling**

- (1) Each FBO must provide the sale and into-plane delivery of ASTM rated aviation fuels, lubricants and other aviation petroleum products. In addition, the FBO shall provide, store, and dispense either 100LL-octane avgas, Jet A fuel or both. All equipment used for the storage and/or dispensing of petroleum products must meet all applicable Federal, State, and local safety codes, regulations and standards.
- (2) Each FBO shall provide a stationary fuel storage system which meets all applicable Federal, State and Local regulations and standards. The system shall be designed and operated to meet Air Transport Association (ATA) 103 requirements and the requirements of AC 150/5230-4. The 100LL and Jet A fuel storage tanks shall each be a minimum of eight thousand (8,000) gallon capacity, and the FBO shall also provide mobile or stationary dispensing equipment and one (1) or more personnel to serve the airport's fuel demand. Filter-equipped fuel dispensers with separate dispensing pumps and meter systems for each grade of fuel shall be provided. All metering devices must be inspected, checked and certified annually by appropriate local and State agencies.
- (3) Each FBO shall have a fuel storage system designed in accordance with all EPA regulations including proper fuel spill prevention features and containment capabilities. In addition, each FBO shall provide a current copy of their fuel spill prevention control and countermeasures plan to the ODA Director. Fuel

inventories will be monitored in accordance with current EPA standards and copies shall be provided to ODA when requested.

- (4) After receiving prior written permission from the ODA Director, an FBO may provide self-fueling (card-reader or card-lock) equipment. Self-fueling equipment must be in compliance with State and local building codes and must comply with fueling equipment requirements set forth Sections 5.6.A.1-3
- (5) Each FBO shall conduct the lawful, sanitary, and timely handling and disposal of all solid waste, regulated waste, and other materials including, but not limited to, sump fuel, used oil, solvents, and other regulated waste. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property is not permitted upon the FBO premises.
- (6) Each FBO shall provide an adequate supply of properly located, type, size and operable fire extinguishers and other safety equipment in accordance with the Uniform Fire Code. All fire extinguisher certifications must be current.

**B. Aircraft Line Services**

Each FBO shall provide necessary equipment, supplies, and trained personnel for aircraft parking, and tie downs.

**C. Pilot Services and Concessions**

A FBO is required to lease or construct a building at an Oregon State-owned *Category IV Airport*, and it shall provide the following services and concessions, unless otherwise approved by ODA.

- (1) Customer service counter

- (2) Public lounge and waiting area
- (3) Public restrooms
- (4) Public telephones
- (5) Local ground transportation contacts

## 5.7 Secondary FBO Services

### A. Flight Training

A flight training services operator provides aircraft ground and flight instruction necessary to complete the written examination and flight check for any category of pilot certificate or rating. A flight training services operator shall:

- (1) Provide at least one (1) FAA certified flight instructor necessary to meet the flight training demand and schedule requirements.
- (2) Provide one or more properly maintained and equipped aircraft, that is registered with ODA, to accomplish the services offered.
- (3) Ensure student pilots are in compliance with ODA registration laws.

### B. Airframe and Power Plant Maintenance

An Airframe and Power Plant maintenance services operator provides any of the following: major and minor airframe, engine and accessory overhaul repair services on single and multi-engine piston driven propeller aircraft. (Turbine and jet aircraft maintenance services are optional.) An airframe and power plant maintenance operator shall:

- (1) Operate the service from a ventilated shop space able to accommodate at least one aircraft on the airport.

- (2) Have on-duty a minimum of one (1) FAA-certified technician who possesses an airframe and/or power plant certificate, with inspection authorization, or conduct operations as a certified repair station pursuant to 14 CFR Part 145.
- (3) Keep premises open and services available appropriate business hours, five (5) days a week, excluding holidays.
- (4) Provide equipment, supplies and parts required for general aircraft airframe and power plant inspection, maintenance and repair.

### **C. On-Demand Operations**

An on-demand operator provides air transportation of persons or property to the general public for hire, either on a scheduled or unscheduled basis, or as defined by the FAR Parts 119 and 135. An on-demand operator shall:

- (1) Provide at least one (1) person who is appropriately certified and rated and registered with ODA to permit the flight activity offered by the Operator.
- (2) Provide one properly maintained and equipped aircraft, registered with ODA, to accomplish the services offered
- (3) An on-demand operator shall have and display, a current FAR Part 135 Certificate.

#### **D. Aircraft Rental**

An aircraft leasing or rental services operator provides general aviation aircraft for leasing or rental to the public. An aircraft rental services operator shall:

- (1) Have at least one (1) person available to meet customer needs.
- (2) Keep premises open and services available appropriate business hours, five (5) days a week, excluding holidays.
- (3) Have available for rental, a minimum of one(1) owned or leased, certified, and airworthy aircraft that is registered with ODA
- (4) Ensure that all renters are in compliance with ODA registration laws.

#### **E. Avionics Maintenance and Sales**

An avionics maintenance service operator provides the maintenance, repair, and installation of aircraft avionics, radios, instruments, and accessories. This service includes the sale of new or used aircraft avionics, radios, instruments, and accessories. The operator shall:

- (1) Operate the service in a ventilated shop space to accommodate at least one aircraft on the airport.
- (2) Have at least one (1) trained and FAA certified technician.
- (3) Keep premises open and services available appropriate office hours, five (5) days a week, excluding holidays.
- (4) Hold the appropriate FAA repair station certificates for the types of equipment the operator plans to service and/or repair.

**F. Aircraft Storage and Hangars**

An aircraft storage and hangar service operator leases and rents hangars, multiple T-hangars, and/or shade hangars to aircraft owners or operators solely for aircraft storage purposes. An aircraft storage and hangar service operator shall:

- (1) Make available the necessary amount of land to accommodate the proper quantity and size of hangars for the quantity of stored aircraft.
- (2) Make hangar operator contact name and phone numbers, hangar availability, and rental rates known to prospective customers via posted informational sign. A separate leased space is not required for this.
- (3) Hangars may only be rented for aircraft storage purposes. Each based aircraft stored within the operator's hangar facilities must be in compliance with ODA registration laws.
- (4) Hangar tenant may only perform preventive aircraft maintenance in accordance with 14 CFR Part 43 within the hangar property. Any other aircraft maintenance must be performed by an appropriately permitted FBO, SASO, MSP or by the operator in accordance with 14 CFR Part 43.3(d). Experimental aircraft construction and maintenance is allowed in accordance with 14 CFR Parts 21 and 65. Painting, welding, and any type of hazardous or combustible material storage shall be permitted within the hangar property only in amounts allowed under the Uniform Fire Code. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property shall not be permitted outside the hangar. All maintenance activity shall be in accordance with the requirements of the Uniform Fire Code.

## **SECTION 6 MINIMUM STANDARDS FOR SPECIALIZED AVIATION SERVICE OPERATIONS**

### **6.1 General Requirements**

#### ***6.1.1 Compliance***

Specialized Aviation Service Operations (SASOs) are persons or entities providing a single or limited number of commercial aeronautical activities. SASOs providing the same or similar services shall comply equally with all applicable Minimum Standards. However, ODA will not require, without adequate justification, that a SASO meet all the criteria for a full-service FBO for the type of operation conducted.

#### ***6.1.2 Leased Space Requirement***

Each SASO, excluding Aerial Applicators, shall operate out of a building located on the airport. The building shall be of an appropriate size to accommodate the services being offered, be accessible to the public, and be marked with appropriate external signage. Each SASO shall provide paved auto parking area appropriate for the needs of the business.

#### ***6.1.3 Responsible Personnel***

Each SASO shall provide ODA, and keep current, a written statement of names, addresses, and contacts of all personnel responsible for the operation and management of the SASO.

#### ***6.1.4 Insurance Requirements***

Each SASO shall meet all State of Oregon insurance requirements and shall therefore maintain the types and amounts of insurance as specified in the lease, permit, or agreement.

## **6.2 Flight Training**

SASOs providing aircraft dual and solo ground and flight instruction necessary to complete the written examination and flight check for any category of pilot certificate or rating shall meet the following minimum requirements:

- (1) Provide at least one (1) or more FAA certified flight instructors, registered in accordance with ODA requirements, necessary to meet the flight training demand and schedule requirements.
- (2) Provide one properly maintained and equipped aircraft, registered with ODA, to accomplish the services offered.
- (3) Ensure student pilots are in compliance with ODA registration laws.

## **6.3 Airframe and Power Plant Maintenance**

SASOs providing any of the following: aircraft airframe and power plant maintenance, which includes either major or minor airframe maintenance, engine and/or accessory overhaul repair services on single or multi-engine piston driven propeller aircraft, shall meet the following Minimum Standards:

- (1) Operate the service from a ventilated shop space able to accommodate one aircraft on the Airport.
- (2) Have on-duty a minimum of one (1) FAA-certified technician who possesses an airframe and/or powerplant certificate, with inspection authorization, or possess and operate pursuant to a repair station certificate pursuant to FAR Part 145.
- (3) Keep premises open and services available a minimum of appropriate business hours, five (5) days a week, excluding holidays.

- (4) Provide equipment, supplies and parts required for general aircraft airframe and power plant inspection, maintenance and repair.

#### **6.4 On-Demand Operations**

SASO's providing on-demand air transportation of persons or property to the general public for hire, either on a scheduled or unscheduled basis, or as defined by the FAR Parts 119 and 135 shall:

- (1) Provide at least one (1) person who is appropriately licensed and rated and registered in accordance with ODA requirements to permit the flight activity offered by the Operator
- (2) Provide one properly maintained and equipped aircraft, registered with ODA, to accomplish the services offered.
- (3) An on-demand operator shall have and display, a current FAR Part 135 Certificate

#### **6.5 Aircraft Rental**

SASOs providing aircraft rental services to the general public shall:

- (1) Have at least one (1) person available to meet customer needs.
- (2) Keep premises open and services available appropriate business hours, five (5) days a week, excluding holidays.
- (3) Have available for rental, a minimum of one (1) owned or leased, certified, and airworthy aircraft that is registered with ODA.
- (4) Ensure that all renters are in compliance with ODA registration laws.

## **6.6 Avionics Maintenance and Sales**

SASOs providing avionics services, which includes the maintenance, repair, and installation of aircraft avionics, radios, instruments, and accessories, and includes the sale of such equipment, shall:

- (1) Operate the service in ventilated office or shop space able to accommodate at least one aircraft on the Airport.
- (2) Have at least one (1) trained and FAA certified technician.
- (3) Keep premises open and services available appropriate business hours, five (5) days a week, excluding holidays.
- (4) Hold the appropriate FAA certificates required for the types of services offered.

## **6.7 Aircraft Storage and Hangars**

An aircraft storage and hangar service operator leases and rents hangars, multiple T-hangars, and/or shade hangars to aircraft owners or operators solely for aircraft storage purposes. An aircraft storage and hangar service operator shall:

- (1) Make available the necessary amount of land to accommodate the proper quantity and size of hangars for the quantity of stored aircraft.
- (2) Make hangar operator contact name and phone numbers, hangar availability, and rental rates known to prospective customers via posted informational sign.
- (3) Hangars may only be rented for aircraft storage purposes. Each based aircraft stored within the operator's hangar facilities must be in compliance with ODA registration laws.
- (4) Hangar tenant may only perform preventive aircraft maintenance in accordance with 14 CFR Part 43 within the hangar property. Any other aircraft maintenance

must be performed by an appropriately permitted FBO, SASO, MSP, or by the tenant in accordance with 14 CFR Part 43.3(d). Experimental aircraft construction and maintenance is allowed in accordance with 14 CFR Parts 21 and 65. Painting, welding, and any type of hazardous or combustible material storage shall be permitted within the hangar property only in amounts allowed under the Uniform Fire Code. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property shall not be permitted outside the hangar. All maintenance activity shall be in accordance with the requirements of the Uniform Fire Code.

## **6.8 Aircraft Sales**

SASOs providing new and/or used aircraft sales and aircraft brokerage services shall:

- (1) Have at least one (1) qualified aircraft salesperson that has a current appropriate pilot certificate with appropriate aircraft type ratings and is appropriately registered with ODA.
- (2) Keep premises open and services available during established business hours as recorded with the ODA.
- (3) SASO must be registered with the ODA as an aircraft dealer.

## **6.9 Aircraft Restoration, Painting, and Refurbishing**

SASOs providing the restoration, painting and refurbishing of aircraft structures, propellers, accessories, interiors, exteriors, and components shall:

- (1) Have at least one (1) qualified person that has certificates appropriate for the work performed.
- (2) Keep premises open and services available during appropriate business hours as recorded with the ODA.

- (3) Meet all requirements of the Uniform Fire Code.

#### **6.10 Specialized Flying Services**

SASOs providing specialized commercial flying services such as non-stop sightseeing tours, aerial photography or surveying, power line or pipeline patrol, firefighting or fire patrol, air ambulance, airborne mineral exploration, banner towing, and other air transportation operations specifically excluded from FAR Part 135 shall:

- (1) Provide at least one (1) person who holds a current FAA appropriate pilot certificate and medical certificate with ratings appropriate for the operator's aircraft.
- (2) Have established business hours recorded with the ODA.
- (3) Own or lease at least one (1) airworthy aircraft.
- (4) Ensure pilots and aircraft are in compliance with ODA registration laws.

#### **6.11 Commercial Skydiving**

SASO's engaging in the transportation of persons for skydiving, instruction in skydiving, and rental and sales of skydiving equipment shall:

- (1) Make available for skydiving either owned or under lease at least one properly certificated aircraft registered with ODA.
- (2) The SASO shall meet or exceed the Basic Safety Requirements (BSR) of the United States Parachute Association (USPA), FAR Part 105, and related FAA Advisory Circulars. The jump plane pilot must hold an appropriate pilot certificate,

be appropriately rated for the aircraft being operated, and be appropriately registered with ODA.

## **6.12 Aerial Applicators**

Aerial agricultural spraying or seeding SASO's shall:

- (1) Provide at least one (1) person who holds a current FAA appropriate pilot certificate with ratings appropriate for the operator's aircraft and be appropriately registered with ODA.
- (2) Own or lease at least one (1) airworthy aircraft in compliance with ODA registration laws.
- (3) Operate from a centrally drained and paved emergency spill prevention apron area of not less than ten thousand (10,000) square feet for aircraft loading and servicing. This area shall meet all current requirements of State, Federal, and local agencies.
- (4) Operator shall be in compliance with OAR 340-109-0010, Pesticide Residue Waste Management, and all applicable OAR's contained within Division 57, Pesticide Control, Oregon Department of Agriculture.
- (5) Operator shall employ certain safeguards and safe operating practices to prevent spillage, including:
  - a. Clean up and remove all containers at the end of each day's activities
  - b. Maintain all loading and mixing facilities in good condition
  - c. Use dry break devices or equivalent couplings to the aircraft-loading receptacle to prevent leaks of all materials
  - d. Aircraft and loading equipment will be positioned in such a manner as to not interfere with normal aircraft operations at the airport

- e. In the event of a small pesticide or pesticide solution spill, the contaminated surface material will be removed from the premises and the area of the spill will be treated with SuperBugs or an equivalent. In the event of a reportable amount of spilled pesticide, the operator will contain the material and contact those agencies that DEQ regulations require. The operator will have an appropriate spill kit with them whenever working on or from a State-owned airport.

**(6)** All chemicals stored on airport must be stored in accordance with the Material Safety Data Sheet (MSDS) requirements for that chemical. MSDS sheets for chemicals stored on airport shall be made available to ODA upon request.

## **SECTION 7 MINIMUM STANDARDS FOR MOBILE SERVICE PROVIDERS**

### **7.1 General Requirements**

#### ***7.1.1 Compliance***

Mobile Service Providers (MSPs) are persons or entities who provide commercial aeronautical services but do not operate out of owned or leased property on the airport. Examples of MSPs include but are not limited to: mobile mechanics, flight instructors, aircraft detailers, and mobile oil recyclers. Each MSP is required to obtain an Airport Operating Permit from ODA. Airport Operating Permits must be renewed annually and require payment of a fee as established in the ODA Rates and Charges Policy.

#### ***7.1.2 Responsible Personnel***

Each MSP shall provide ODA, and keep current, a written statement of names, addresses, and contacts of all personnel responsible for the operation and management of the MSP.

#### ***7.1.3 Insurance Requirements***

Each MSP shall meet all State of Oregon insurance requirements and shall therefore maintain the types and amounts of insurance as specified in the lease, permit, or agreement.

#### ***7.1.4 Personnel Qualifications***

Each MSP shall provide sufficient qualified personnel necessary to meet the Minimum Standards for each aeronautical service provided. However, multiple responsibilities may be assigned to employees where feasible.

#### **7.1.5 *Registration Requirements***

MSPs that operate aircraft shall ensure that aircraft and pilots are registered in accordance with ODA registration requirements.

## SECTION 8 SELF FUELING

### 8.1 Authorization Requirements

Self-fueling is the fueling of an aircraft by the pilot using pumps and equipment installed for that purpose. The fueling facility may or may not be attended by the FBO that owns and operates the equipment.

The Oregon Department of Aviation has the option to grant authorization for self-fueling operations to FBOs. All self-fueling operators shall apply to and receive approval from the Department of Aviation before commencing operations.

### 8.2 Fuel Products and Hours of Operation

Any ODA authorized self-fueling owner/operator shall be an FBO, as defined in Section 5. In addition, any self-fueling owner/operator shall provide, at a minimum, 100LL aviation gasoline. The products and equipment must meet all applicable Federal, State, and local regulations and requirements regarding safety, testing, filtering, inventory management, and quality assurance.

### 8.3 Fuel Storage and Dispensing Equipment

The fuel storage areas are the locations on the Airport designated temporarily or permanently by ODA as the only areas in which aviation fuels may be stored.

The fuel storage and dispensing equipment shall meet all applicable Federal, State, and local regulations and requirements, including FAA Advisory Circular 150/5230-4.

### 8.4 Environmental Compliance

The FBO providing the self fueling operation shall be knowledgeable of and comply with all Federal, State, and local environmental laws, ordinances, rules and regulations. Operator shall provide ODA a current fuel spill prevention, countermeasures, and control plan that contains methods and procedures to prevent, control, and clean up a fuel spill on airport property.

## **8.5 Reporting Requirements**

Each FBO authorized to install and maintain a self-fueling system shall provide monthly fuel inventory reconciliation reports to ODA listing the total amounts of fuel dispensed to all aircraft.

## SECTION 9 FLYING CLUBS

### 9.1 **Purpose**

Flying clubs are non-profit entities organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment. Aircraft must be vested in the name of the club or owners on a pro-rata share, and the club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, replace, or enhance the aircraft or fleet of aircraft. A flying club qualifies as an individual under the FAA grant assurances. As such, a flying club has the right to fuel and maintain the aircraft with its members.

### 9.2 **Requirements**

ODA has the right to require a flying club to furnish documents such as insurance policies, club by-laws, meeting minutes and notifications, and a current list of members to ensure that the club remains a noncommercial and nonprofit organization.

### 9.3 **Applicability to Minimum Standards**

Because flying clubs are not commercial aeronautical activities, their regulation is not governed through these Minimum Standards, but rather through the Airport Rules and Regulations.