



Lincoln Regional Airport

Commercial Minimum Operating Standards

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Lincoln Regional Airport

1480 Flightline Drive, Lincoln CA 95648

(916) 645-3443

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Introduction

The City of Lincoln (City) is the proprietor, operator, and sponsor of the Lincoln Regional Airport (Airport) and is responsible for developing and maintaining Commercial Minimum Operating Standards (Minimum Standards) for the conduct of any type of commercial aeronautical operations at the Airport.

These Minimum Standards are not intended to be all-inclusive. Commercial activities may be proposed that do not fall within the categories designated in these Minimum Standards or in the Municipal Code. In such a case, appropriate minimum standards will be established by the City on a case-by-case basis for such activity and incorporated into the proprietor's Commercial Business Permit, Ground Lease, and/or Sub-Ground Lease. Commercial Business Operators are encouraged to exceed these Minimum Standards.

Operations and/or activities on the Airport will be subject to all applicable federal, state, and local laws as well as all rules and regulations pertaining to such activities. The City's Municipal Code (Chapter 20 - Lincoln Municipal Airport) contains many regulations that all users of the Airport are subject to. Where this document and the City's Municipal Code differ, the Municipal Code will govern.

1. Statement of Policy

The Airport shall provide all qualified business operators a fair and reasonable opportunity to occupy available Airport facilities and to provide appropriate aeronautical activities not provided exclusively by the City. The City and the Airport will endeavor to:

- ✚ Maintain the Airport in a safe manner that is in compliance with all City and Federal Aviation Administration (FAA) requirements.
- ✚ Preserve investments in the Airport and the level of service.
- ✚ Facilitate orderly management of the Airport.
- ✚ Ensure high-quality leasing procedures, services, and quality of facilities.
- ✚ Provide equitable and uniform treatment of all business proprietors, tenants, and users.
- ✚ Advance qualified aviation-related services on the Airport.
- ✚ Ensure the well-ordered development of the Airport.
- ✚ Ensure compliance with applicable laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application and acceptance of Federal Funds.
- ✚ Facilitate and foster good relations with all local Airport communities and their residents.
- ✚ Ensure conformity with the Airport Master Plan and Airport Layout Plan (ALP).
- ✚ Make the Airport available for public use on reasonable terms without undue discrimination.
- ✚ Maintain a fee and rental structure that maintains financial self-sustainability.
- ✚ Ensure managed economic growth by providing access to national, state, regional, and local markets.

2. Applicability

No person shall have the right to conduct aeronautical activities on an exclusive basis (as defined in federal law and the Airport sponsor's grant assurances) nor shall the Airport provide any commercial business operator the exclusive use of any area of the Airport, unless otherwise granted by a Ground Lease.

The Airport has reserved for itself the right to conduct certain aeronautical activities on an exclusive basis, as permitted by FAA regulations. In addition, the Airport reserves the right to:

- ✚ Designate specific areas in which commercial aeronautical activities may be conducted in accordance with the ALP.
- ✚ Determine whether or not appropriate and/or adequate space is available at the proposed site to meet established minimum standards and if the proposed activity fits with the orderly, safe, and efficient operations at the Airport.
- ✚ Lease an existing facility, or any portion of an existing facility, to a business operator in order to maximize facility use and business opportunities.
- ✚ Continue to be the exclusive provider of fuel until such time the City Council approves modification to this exclusivity.

If a Commercial Business Operator or non-commercial lessee, under an existing agreement, desires to change its aeronautical activities, the Airport's approval of such change shall be conditional upon the operator or non-commercial lessee fully complying with these Minimum Standards unless an exemption or variance has been granted in writing by the Airport Manager.

Any entity currently engaging in commercial aeronautical activities at the Airport will have eighteen months from the date of adoption of these Minimum Standards to fully comply with these Minimum Standards. However, immediate and ongoing compliance the City's Municipal Code is required.

3. General Requirements

All Commercial Business Operators shall comply with (1) the City's Municipal Code, (2) the General Requirements listed below, and (3) any requirements specific to any agreement between the City and the Commercial Business Operator, and (4) the requirements specific to Specialized Aviation Service Organizations (SASOs). The following are general requirements that apply to all Commercial Businesses Operators:

A. Commercial Business Permit & Business License

Before commencing any type of commercial activity or business at the Airport, a Commercial Business Operator must have a **Commercial Business Permit** issued by the Airport Manager, and a City of Lincoln Business License. The Commercial Business Permit must expressly provide for the conduct of commercial activities at the specified location and the type of commercial activity or activities allowed. The Commercial Business Permit does not require annual reissuance. However, if there are any changes to the activities allowed

by the Commercial Business Permit, the City may require the Commercial Business Operator to apply for a new Commercial Business Permit. The City's **Business License** requires reissuance each year. The City reserves the right to charge a fee for the issuance of the Commercial Business Permit. The intent of this fee is to recover associated costs of issuance.

B. Compliance with Laws and Rules and Regulations

All Commercial Business Operators, Airport tenants, and persons entering the Airport property agree to abide by and conform with all rules and regulations, laws, standards, requirements, and ordinances promulgated by the Federal Government, State of California, Placer County, and the City of Lincoln.

C. Licenses, Permits, and Certifications

A Commercial Business Operator shall obtain all licenses and permits necessary for the conduct of the business operator's activities at the Airport and required by the Airport or any other duly authorized governmental agency having jurisdiction.

A Commercial Business Operator shall not engage in any operations at the Airport prior to obtaining all required certifications. A Commercial Business Operator shall, at the request of the Airport Manager, furnish the Airport with copies of these certifications and other documentation.

E. Payment of Rents and Fees

No Commercial Business Operator will be permitted to conduct commercial aeronautical activities unless the entity is current in the payment of all rents, fees, and charges or other sums accruing to the Airport under any agreement with the Airport or the City. The Commercial Business Operator's failure to remain current in the payment of these charges will be grounds for revocation of the Commercial Business Permit or agreement authorizing Commercial Business activities.

The Airport reserves the right to charge all Commercial Business Operators the balance in any Prepaid Fuel Account against delinquent obligations of the Commercial Business Operator including amounts due the Airport for rent, tie-down fees, fuel charges and other Airport services provided to the business operator.

F. Land and Hangar Use

In July 2014, the Federal Aviation Administration (FAA) issued a proposed statement of policy on use of Airport hangars to clarify compliance requirements for Airport sponsors, Airport managers, Airport tenants, state aviation officials, and FAA compliance staff. Airport sponsors that have accepted grants under the Airport Improvement Program (AIP), such as the Lincoln Regional Airport, have agreed to comply with certain Federal policies included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 and the contractual sponsor assurances require that the Airport sponsor make the Airport available for aviation use.

- Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make the Airport available on reasonable terms without unjust discrimination for aeronautical activities, including aviation services.
- Grant Assurance 19, Operation and Maintenance, prohibits an Airport sponsor from causing or permitting any activity that would interfere with use of an Airport property for Airport purposes.

These regulations allow the city of Lincoln to designate some areas of the Airport for non-aviation use, with FAA approval. However, aeronautical facilities at the Airport must be dedicated to use for aviation purposes. The purpose of this limitation is to ensure that Airport facilities are available to meet aviation-related demands. The rules and regulations further state that Airport tenants and aircraft owners should not be displaced by non-aviation commercial uses that could be conducted off Airport property.

As such, land designated for aeronautical purposes must be developed and used for aeronautical activities. Non-aviation related activities will not be allowed in buildings or hangars located on land designated for aeronautical purposes.

H. Signs

Business operators shall not erect, maintain, or display any sign on the leased premises, or elsewhere on the Airport, without the prior written consent of the Airport Manager and without also obtaining any and all applicable permits from the City. All signs must adhere to the City's Municipal Code, Chapter 16 - Signs.

I. Insurance

Airport tenants, Commercial Business Operators, and other operators must obtain and maintain certain insurance coverages as required by the City Municipal Code, lease, or other written agreement and name the City of Lincoln Airport as additional insured. Commercial Business Operators are encouraged to purchase additional policy types and limits suited for their specific commercial activities at the Airport. Proof of Insurance is required upon issuance of a Commercial Business Permit and on an annual basis. At all times, a valid and current certificate of insurance shall be on file with the City.

J. Multiple Activities

When more than one activity is conducted by a Commercial Business Operator at the Airport, the Commercial Business Operator shall comply with all requirements applicable to each specific SASO.

K. Vehicles

In addition to the requirements set forth in the City Municipal Code, vehicles operated for a Commercial Business Activity on Airport grounds must be properly lighted and marked in accordance with these guidelines and the City's Municipal Code. Vehicles may be parked for up to 72 hours on the Airport property. After 72 hours, the vehicle owner must obtain a vehicle storage permit from the Airport office personnel. The City reserves the right to have

any vehicles that remain on Airport property longer than 72 hours without prior authorization by the City towed at the vehicle owner's sole expense.

L. Aircraft Information

Information regarding any aircraft parked at the Airport for longer than one month shall be provided to the Airport office. This information shall include:

- ✚ Registered Owner Name
- ✚ Registered Owner Address
- ✚ Registered Owner Email and Phone Number
- ✚ Secondary Contact
- ✚ Aircraft Make and Description
- ✚ Tail Number
- ✚ Insurance carrier Name and Policy Number

4. Non-Aeronautical Development

The City/Airport reserves the right to request from a prospective tenant desiring to develop a non-aeronautical facility on designated areas of Airport property, and as part of its application, the following information in written form. The City/Airport also reserves the right to request additional information as may be required or requested by the Airport Manager or their Designee. Said request may be applied to either new or existing non-aeronautical tenants requesting a lease renewal or extension.

As a prerequisite to occupancy on and the granting of the right to develop non-aeronautical facilities at the Airport, a prospective non-aeronautical Commercial Business must submit a specific, detailed description of the scope of the intended development and activities and the means and methods to be employed to accomplish the contemplated development and activities. Required information for non-aeronautical activities shall include, but not be limited to:

- ✚ The legal name of the entity filing the Application and its business name (if different).
- ✚ The name, address, and telephone number of the entity and primary contact person.
- ✚ The names, addresses, and phone numbers of all owners having 5 percent or more equity interest, management control, or debt in the entity.
- ✚ The proposed date for commencement of the intended activities and proposed term for conducting of same.
- ✚ A comprehensive listing of all activities proposed to be offered, along with copies of all applicable federal, state, and/or local operating certificates and licenses held.
- ✚ For proposed agreements to lease existing structures or improvements (or requests for assignment), a description of the size, location, and proposed utilization of office, shop, warehouse, vehicle parking, and other areas to be utilized.
- ✚ For proposed agreements for lease (or requests for assignment) of unimproved areas, a layout (to scale) of the size, configuration, and location of the property desired to be occupied and a preliminary drawing of the buildings and improvements to be constructed, together with identification of vehicle parking areas must be supplied. Drawings should be legible and reproducible with clearly defined dimensions. At a minimum, each drawing should be on an 8.5 inch x 11 inch paper and be drawn in ink.

The City retains the right to request a metes and bounds legal description of lease property boundaries.

- ✚ The proposed number of persons to be employed, including the names and qualifications of each management/supervisory person, and specifications as to whether the employees will be full-time, part-time, or seasonal.
- ✚ The tools, equipment, vehicles, and inventory proposed to be utilized in connection with the intended activities.
- ✚ A written business plan, including a market analysis.

Non-aeronautical activities will be charged comparable non-Airport commercial rates.

5. Specialized Aviation Service Organization (SASO) Requirements

SASO Commercial Business Operators shall comply with the General Requirements identified above and these SASO requirements. A SASO provides aeronautical services to the flying public which may include, but not limited to: aircraft charter operations, flight instruction and certification, aircraft rental and sightseeing, aerial photography, crop dusting, aircraft sales, aircraft repair and maintenance, avionics sales and maintenance, sale of aircraft or aircraft parts, aircraft storage rentals, pilot and passenger services, and other aviation-related services.

The following are SASO requirements. All SASOs:

- A. Must be available to all users on a nondiscriminatory basis.
- B. Must be Airport tenants with hangar/office space with access to ramp space (if required) sufficient for their activity. Unless specifically indicated, the requirement for tenancy does not preclude an SASO from doing business as an authorized sub-operator to an existing Airport tenant who meets the requirements indicated.
- C. Shall carry out their business in a professional manner that enhances the Airport's operation and ensures the safety of the flying public.
- D. Must have adequate facilities to accommodate and perform the approved specific business, including (as appropriate):
 - a. Maintenance shop/hangar space
 - b. Storage
 - c. Access to taxiways and runways
 - d. Adequate vehicle parking space
 - e. Classroom/demonstration area(s)
- E. Shall employ only appropriately certificated personnel where required by governmental regulations.
- F. Shall be open for business appropriate for the type of operation and for those hours as posted at the location.

- G. Performing aerial applications (crop dusting, agricultural spraying, and other commercial uses of chemicals as defined by the FAA under FAR Part 137) may not be combined with a facility providing any other aeronautical service. Providers shall conform to all federal, state, and local laws, ordinances, and regulations applicable to the safety and environmental protection of the services offered. Providers shall be responsible for supplying waste disposal systems as mandated by all governmental agencies. (See Appendix B for additional requirements). **HAZARDOUS WASTES ARE NOT TO BE GENERATED OR STORED ON THE LINCOLN REGIONAL AIRPORT WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE AIRPORT MANAGER.**

6. Waiver or Variance

The Airport may approve a temporary waiver or variance from specific provisions of the Minimum Standards when the enforcement of a provision may cause undue hardship or unique circumstances and the temporary waiver or variance will not create an unfair competitive relationship among Commercial Business Operators.

Any temporary waiver or variance shall not constitute a waiver or modification of any of the provisions herein for any purpose except as to the particular operator and the particular provision that is the subject of the temporary waiver or variance and only for so long as the circumstances warranting the temporary waiver or variance exist.

A temporary waiver or variance must be approved by the City. Each temporary waiver or variance must be petitioned separately in writing and delivered to the Airport Manager. The petition must state the standard or requirement for which the temporary waiver or variance is requested, the reason justifying the request for a temporary waiver or variance, the duration or number of instances for which the temporary waiver or variance is requested, and any other pertinent information relevant to the request or as requested by the Airport Manager.

In the event of an emergency that endangers the health, safety, or welfare of an individual, set of individuals, or the community, the Airport Manager may declare an urgent matter (as per the City's Municipal Code) and temporarily waive any provision or set of provisions of the Minimum Standards.

7. Enforcement

A violation of these Minimum Standards may result in rescission of the Commercial Business Permit and/or default of an associated Ground Lease or Sub-Ground Lease. In the instance where the Commercial Business Operator is a subtenant, the default will be processed against the holder of the master agreement with the Airport.

8. Right to Self-Service

A person with exclusive control of an aircraft or that person's employee(s) may perform services (maintenance, repair, or cleaning) on that person's aircraft utilizing that person's

vehicles, equipment, and resources (self-service). At this time, the Airport retains the exclusive right to provide fuel, however self-service fueling is allowed.

A person with exclusive control of an aircraft who engages in self-service activities may not perform services for others for compensation or hire. The right to engage in self-service activities is conditional upon compliance with all applicable regulatory measures.

The right to store fuel purchased from the City in a privately owned storage container at the Airport is subject to a separate approval. No fuel purchased from a third party shall be stored in a separate container at the Airport.

9. Changes and Revisions

The City reserves the right to review, modify, change, or waive any or all of these Minimum Standards at their discretion. Airport users may propose amendments or raise objections to these Minimum Standards. Proposed amendments or objections to these Minimum Standards should be made in writing to the Airport Manager. They should include the name and address of the person proposing the amendment or making the objection and include a clear statement of the proposed amendment or objection. Some modifications may require review by the Airport Committee and approval by City Council.

10. Severability Clause

If one or more provisions of these Minimum Standards shall be held to be unlawful, it shall not in any way affect any other clauses, sections, or provisions of these Minimum Standards.

Appendix A: Definitions

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

- ✚ **Airport** means the Lincoln Regional Airport.
- ✚ **Airport Committee** means the committee established by the City Council as an advisory committee to the City Council.
- ✚ **Airport Manager** means the person having primary responsibility for financial control, administration, operation, and maintenance of Airport's real, personal, and intangible property and employees. The Airport Manager may designate specific staff to act on the Airport Manager's behalf in promulgating and executing Airport policies and procedures.
- ✚ **Aircraft Owner** means the person or entity listed as the registered owner on the FAA Certificate of Registration.
- ✚ **Business License** shall mean the City of Lincoln's standard Business License. Any person or entity transacting or conducting business in the City of Lincoln (including at the Airport) must have a business license. A City of Lincoln Business License is valid from January 1 to December 31.
- ✚ **Commercial Business** shall mean those businesses operating at the Airport with a Ground Lease, a Sub-Ground Lease, and/or a Commercial Operator Permit authorizing the business to supply aircraft or pilot services. These services may include, but are not limited to the following:
 - Charter Operations
 - Flight Instruction, Certification Aircraft Rental, and Sightseeing Aerial Operations
 - Photography
 - Crop Dusting
 - Aircraft Sales and Service
 - Aircraft Repair and Maintenance
 - Avionics Sales and Maintenance
 - Aircraft Refurbishment and Salvage
 - Sale of Aircraft Parts
 - Aircraft Storage
 - Rental Aircraft Detailing
- ✚ **Commercial Business Operator** shall mean the person, persons, and/or any other legal entity owner or responsible person of a Commercial Business at the Airport.
- ✚ **Commercial Business Permit** is an agreement that all Commercial Businesses located at the Airport shall have on file at all times. The Commercial Business Permit shall identify the allowed commercial operations, the responsible Commercial Business Operator, and shall include an acknowledgement of all applicable rules and regulations.
- ✚ **Exclusive Control** is the legal authority to control, command, manage, and supervise an aircraft for a minimum period of one year, and the power to determine the function and location of that aircraft. It does not include temporary custody by charter or for taxiing, parking, fueling, maintenance, storage, or service.
- ✚ **FAA** means the Federal Aviation Administration.

- ✚ **Fixed Based Operator (FBO)** means any commercial operator who engages in the activity of aircraft refueling and who has the option to conduct any of the approved secondary activities, such as airframe and power plant maintenance, flight training, aircraft rental, avionics maintenance and sales, air charter or taxi, and aircraft storage/hangars. It should be noted that currently the City does not allow for any fueling FBOs to operate at the Airport.
- ✚ **Ground Lease** means any lease of Airport property or premises in which the Airport is the lessor.
- ✚ **Other Aeronautical Activities** mean those activities that may not be directly related to aeronauts but may be considered to be in support of the Airport. Sub-Ground Lease is a sub-lease by a tenant or lessee of part or all of the leased premises to another person but with the original tenant retaining some right or interest under the original lease and the Sub-Ground Lease being subject to all of the conditions included in the original Ground Lease. All sub-leases are subject to approval by the City. The following are examples of what are not considered to be aeronautical activities:
 - Ground Transportation (Taxi, Car Rentals, Limousine Services)
 - Restaurants
 - Catering Services
- ✚ **NFPA** means National Fire Protection Association.
- ✚ **Person** means any individual, firm, partnership, corporation, association, company (including any assignee, receiver, trustee, or similar representative thereof), or the United States of America or any foreign government, state, or political subdivision thereof.
- ✚ **Specialized Aviation Service Organization (SASO)** means an operator that provides the services that aircraft and pilots need to operate safely and efficiently. A SASO provides aeronautical services to the flying public which may include, but are not limited to: aircraft charter operations, flight instruction and certification, aircraft rental and sightseeing, aerial photography, crop dusting, aircraft sales, aircraft repair and maintenance, avionics sales and maintenance, sale of aircraft parts, aircraft storage rentals, pilot and passenger services, and other aviation related services.
- ✚ **Through-the-Fence** means access to the public landing area to or from residential or commercial property adjacent to the fenced-off portion of the Airport located on the west side of the Airport.