

**CITY OF NEW BEDFORD
AIRPORT COMMISSION
MINIMUM STANDARDS
FOR COMMERCIAL AERONAUTICAL ACTIVITIES
ON NEW BEDFORD REGIONAL AIRPORT**

Adopted : February 17, 1993

Revised: March 9, 2004

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SECTION I

DEFINITIONS AS USED IN THE MINIMUM STANDARDS

COMMISSION New Bedford Airport Commission.

CARGO AIR CARRIER An operator providing only freight and/or mail transportation services for compensation or hire.

AIRPORT New Bedford Regional Airport.

COMMERCIAL AERONAUTICAL ACTIVITIES Anyone or a combination of the following aeronautical services performed in full compliance with the specific activity standards hereinafter set forth.

- A. Full Service FBO
- B. Aircraft Maintenance Shop
- C. Specialized Commercial Flying Service .
- D. Specialized Aircraft Repair Service
- E. Commercial Aircraft hangar storage operators
- F. Scheduled Passenger Air Carrier
- G. Non-Scheduled Passenger Air Carrier
- H. Cargo Air Carrier
- I. Limitations on Commercial Operators

Any other activities not specifically provided for in the minimum standards will normally be subject to negotiation.

COMMERCIAL AVIATION OPERATOR See OPERATOR.

FIXED BASE OPERATOR (FBO) An Operator who provides multiple aviation services at an airport, as further defined under "Operator", below, and in Section V, Minimum Standards.

MINIMUM STANDARD A guideline for the provision of required and permitted services which must be met or exceeded as specified in Section V herein.

OPERATOR A Commercial Aviation Operator is a person or persons, firm, or corporation, engaging in a Commercial Aeronautical Activity based at the Airport which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such aircraft operations, the purpose of such activity being to secure earnings, income, compensation, or profit, whether or not such objective or objectives are accomplished.

SCHEDULED PASSENGER AIR CARRIER An Operator providing scheduled passenger air transportation services for compensation or hire as defined by the Department of Transportation (D.O.T.).

NON-SCHEDULED PASSENGER AIR CARRIER An Operator providing on demand charter passenger air transportation services for compensation or hire as defined by the Department of Transportation (D.O.T.)

**SECTION II
GENERAL STATEMENT OF POLICY**

In order to promote and develop general aviation, air transportation, and related aeronautical activities at New Bedford Airport, the New Bedford Airport Commission hereby establishes certain policies, standards, and requirements for Commercial Aviation Operators at the New Bedford Municipal Airport.

A fair and reasonable opportunity, without discrimination, shall be accorded to all applicants to qualify/compete for available airport facilities and the furnishing of selected aviation services, subject however, to minimum standards as established by the commission and set forth herein and entitled "Minimum Standards for Commercial Aeronautical Activities on New Bedford Municipal Airport". In all cases where the words "standards" or "requirements" appear in the above-mentioned schedule of standards, it shall be understood that they are modified by the word "minimum". All operators will be encouraged to exceed the minimums; none will be allowed to operate under conditions below the minimums.

Contingent upon the operator's qualifications, meeting the established minimum standards, the execution of a written agreement with the City of New Bedford (herein-after referred to as "City") and payment as due of all rentals, fees, and charges, the Operator shall have the right and privilege of engaging in and conducting the activity or activities selected by the Operator on the Airport as specified by the written contract. The granting of such right and privilege, however, shall not afford the Operator the exclusive right of use of the premises and facilities of such Airport other than those premises which may be leased exclusively to him in a written agreement. The Commission reserves and remains the right of the use of such Airport by others who may desire to use the same pursuant to applicable laws, ordinances, codes, minimum standards, and other regulatory measures pertaining to such use. The Commission reserves the further right to designate the specific Airport areas in which single or combinations of aeronautical services may be conducted. Such designation shall give consideration to the nature and extent of the operation and the lands available for such purpose consistent with the orderly and safe operation and future development of the Airport.

If any section of these Minimum Standards is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall neither affect nor impair any of the remaining provisions.

SECTION III
PREQUALIFICATION REQUIREMENTS

The prospective Operator shall submit to the Commission through the Airport Manager at its offices at the Airport, at the time of the Operator's application the following information and, thereafter, such additional information as may be requested by the Commission.

- A. Intended Scope of Activities: A detailed description of the scope of the intended operation and the means and methods to be employed to accomplish the contemplated operating standards.

- B. Financial Responsibility: A statement, satisfactory to the Commission, in evidence of Operator's Financial responsibility, from a bank or trust company doing business in the State of Massachusetts or from such other source that may be acceptable to the Commission and readily verified through normal banking channels. The prospective Operator must also demonstrate financial capability to initiate and maintain operations and for the construction of improvements and appurtenances that may be required.

- C. Pro-forma Financial Statement: A projection of first year operating income and expense, prepared in accordance with commonly accepted accounting practices.

- D. Experience: The prospective Operator shall also furnish a statement of past experience in the specified aviation services. Such experience shall not be less than the minimums established for each of the respective individual aviation functions involved.

SECTION IV
GENERAL REQUIREMENTS

A. Requirements of a Written Agreement: Prior to the commencement of operations, the prospective Operator ~ be required to enter into a written agreement with the City which agreement will recite the terms and conditions under which the Operator will operate its business on the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges, and obligations of the respective parties; and other relevant covenants. It should be understood, therefore, that neither the conditions herein contained nor those set forth in the minimum standards represent a complete recitation of the provisions to be included in the written agreement. Such contract provisions, however, will not change or modify the minimum standards or be inconsistent therewith.

B. Performance Bond: Upon demand by the Commission, the prospective Operator shall, concurrent with the execution by Operator of the aforesaid written agreement, furnish an acceptable performance bond or cash deposit to the Commission, in an amount satisfactory to the Commission.

C. Hold Harmless Requirement: The Operator shall indemnify, defend and save the Commission, and its authorized agents, officers, representatives, and employees harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or losses whatsoever arising directly or indirectly out of acts or omissions of the operator, its contractors, agents, employees, servants, guests, members, business visitors, tenants, sub-lessees, partners or affiliates, and shall pay all expenses in defending any claims made against the City and/or Commission by reason of the operator's tenancy and activities on the Airport. A hold harmless provision shall be included in all written agreements between the Airport Commission, City and the Operator.

D. Insurance: The Operator shall procure and maintain, during the term of the Operator's agreement, insurance of the types and in the minimum limits set forth as determined by the commission and outlined in the written agreements between the Airport Commission, City and the Operator. The insurance company or companies writing the required policy or policies shall be licensed to do business in the, State of Massachusetts and unless the Operator is otherwise directed by the Airport Commission or City, the Airport Commission and the City shall be named in the policy as an additional insured. The Operator shall furnish evidence of compliance with this requirement in the form of an insurance certificate acceptable to the Airport Commission and City. The applicable insurance coverage shall be in force during any construction of facilities for the Operator and/or prior to the Operator's entry upon the Airport for the conduct of business.

E. Compliance with Laws, Etc.: The Operator shall comply with all laws, ordinances, codes, and other regulatory measures applicable to the specific type of operation contemplated by the Operator. The Operator shall procure and maintain during the term of the agreement all licenses, permits, and other similar authorizations required for the conduct of the Operator's business operations.

F. Miscellaneous

1. The prospective Operator may select one or a combination of the aeronautical services covered by the minimum standards outlined in this document. Where more than one Commercial Aeronautical Activity is proposed, the minimum requirements will vary, dependent upon the nature of individual services in such combination, but will not necessarily be cumulative in all instances. Applicable minimum standards for Operators who plan to provide combinations of services will be discussed with the prospective Operator at the time of the Operator's application or otherwise during lease negotiations.
2. The pertinent minimum standards and requirements for any Commercial Aviation Operator, will be predicated upon the nature of the Operator's initial business venture. If at a later date the business is expanded to encompass new and additional types of services under an appropriate operating agreement, then the minimum standards established for these additional services shall immediately apply.
3. These Minimum Standards will govern all commercial activities on the Airport unless determined in writing by the Commission, on a case by case basis, that an exemption is justified to best serve the public interest.
4. The Commission recognizes that certain Operators are presently conducting business on the Airport and may occupy facilities or be conducting certain operations not in compliance with these minimum standards. The Operations of such Operators shall be governed by individual lease provisions determined on a case by case basis; however, any expansion of facilities or Operations or any relocation of facilities or operations on the Airport shall be in accordance with these minimum standards. Any operator, conducting Commercial Aeronautical activities on the Airport without an approved written agreement by the Airport Commission and shall cease and desist until such time as said operator enters into an agreement with the Airport Commission and City in compliance with these Minimum Standards.

SECTION V
MINIMUM STANDARDS

The Minimum Standards for Commercial Aeronautical Activities outlined in this document are not intended to be all inclusive, as the Operator of a commercial venture who is based on the Airport will be subject to applicable laws, codes, ordinances, and other similar regulatory measures, including Airport rules and regulations pertaining to all such activities.

A written agreement, properly executed by the Airport Commission, City and the Operator, is a prerequisite to tenancy on the Airport and the commencement of any operations thereon. The contract provisions however, will be compatible with the minimum standards herein contained and will not change or modify the standards themselves. Information relative to insurance limits, rentals, fees, and charges applicable to the several aeronautical services included herein will be made available to the prospective commercial operator by the Commission at the time of application or during the contract negotiations.

The following schedules set forth the minimum standards for an operator engaging in one or more selected commercial aeronautical activities, at New Bedford Municipal Airport.

A. Full Service Fixed Base Operation

1. Minimum Services Required

- a. Tie-down and hangar storage for aircraft, both itinerant and local.
- b. Adequate ramp service, including deicing and preheating for aircraft users, with a qualified attendant available on the ramp seven (7) days a week, eight (8) hours a day.
- c. Sale of aviation gasoline, fuel, oils and lubricants of kinds customarily sold to aircraft users.
- d. Maintenance, repair and servicing of aircraft, aircraft engines and parts.
- e. Maintenance of adequate inventory of the necessary aircraft parts and accessories to maintain, repair and service aircraft.
- f. Aircraft rental business.

- . g. Operation of Aviation Advisory Radio Station (UNICOM), if requested by Commission.

NOTE: After five years of providing an adequate level of the above services at New Bedford Regional Airport the FBO may subcontract out the services upon receiving approval from the Commission.

2. Services Permitted

Privileges which may be exercised by a full service fixed base operator or subcontracted out pursuant to Airport Commission approval shall include, but not necessarily be limited to:

- a. Sale of new or used aircraft",
- b. Non-scheduled passenger air-carrier operations.
- c. Operation of specialized commercial flying service.
- d. Operation of specialized aircraft repair service.
- e. Flight Training

3. Minimum Land and Improvement Requirements

- a. The minimum ground leased for a full service fixed base operation shall be 25,000 square feet.
- b. The minimum facilities required shall be as follows:
 - (1) One hangar, not less than 10,000 square feet.
 - (2) Office building (either separate or adjoining) adequate to house an office, pilot's lounge, a public waiting room, lounge area, telephone, sanitary public restroom facilities, and adequate shop area.
 - (3) Paved ramp area of not less than 10,000 square feet with access to hangar.
 - (4) Adequate tie-down area to accommodate not less than ten (10) aircraft of which at least three (3) shall be designated for itinerant and seven (7) for local aircraft, and wash area.

(5) Adequate customer automobile car parking, as approved by the Commission.

4. Minimum Prior Experience

A minimum of five (5) years satisfactory prior experience in the business of fixed base operations or such other related business as may be determined acceptable by the Commission in lieu thereof.

5. Minimum Public Service Hours

Seven (7) days a week, eight (8) hours a day, as approved by the Commission with a qualified attendant.
Aircraft Maintenance. Overhaul and Parts Shop

1. Services Required and Limited To:

- a. Maintenance, repair and servicing of aircraft, aircraft engines and parts.
- b. Availability of adequate inventory of the necessary aircraft parts and accessories to maintain, repair and service aircraft.

2. Minimum Requirements

Adequate hangar, ramp, office, and public service facilities; adequate prior experience; adequate hours of operation. At least one employee shall be a licensed airframe and power mechanic.

C. Specialized Commercial Flying Service

1. The following individual operations are classified as a specialized commercial flying service:
 - a. Sightseeing flights
 - b. Crop dusting
 - c. Banner towing and aerial advertising
 - d. Aerial photography, mapping, or survey
 - e. Aerial fire-fighting
 - f. Power line or pipeline patrol
 - g. Glider operations

h. Sale of new or used aircraft

2. Minimum Requirements

Adequate hangars, ramp office, and public service facilities; adequate prior experience; adequate hours of operations

D. Specialized Aircraft Repair Services

1. The following individual operations are classified as a specialized aircraft repair service: .

- a. Repair of aircraft radios
- b. Repair of aircraft propellers
- c. Repair of aircraft instruments
- d. Repair of aircraft accessories
- e. Aircraft paint shop
- f. Aircraft upholstery shop
- g. Aircraft restoring and refinishing

2. Minimum Requirements

Adequate hangar, ramp, office, and public service facilities; adequate prior experience; adequate hours of operation.

E. Commercial Aircraft Hangar Storage Operations

1. The following can be classified as commercial aircraft storage operations:

- a. Commercial use hangars (includes condo hangars) constructed for lease or sale to others.
- b. Private use hangars (includes individually owned condo hangars) constructed originally for hangar owner's personal aircraft, but converted by written agreement with the Airport Commission for use by others .

2. Minimum Requirements

- a. Adequate hangar and ramp space to accommodate the proposed operation.

- b. A copy of the proposed rental agreement between the operator and tenant, if applicable, including rates and charges.

F. Scheduled Passenger Air Carrier

Minimum requirements will be determined on a case by case basis and outlined in the agreement governing the operation between the lease holder, Airport Commission and operator. All operations will be conducted from the main Airport terminal building and the agreement will provide for the Operator's use of the terminal facilities.

G. Non-Scheduled Passenger Air Carrier

Minimum requirements will be determined on a case by case basis and outlined in the agreement governing the operation between the city and operator, and shall include but not be limited to date counter and office space, waiting area public restrooms, aircraft and automobile parking areas.

H. Cargo Air Carrier

Minimum requirements will be determined on a case by case basis and in the agreement governing the operation between the City and operator and shall include but not be limited to date aircraft ramp space to conduct all operations.

I. Limitations on Commercial Aviation Operators

1. All commercial aviation operators other than Full Service Fixed Base Operators will be strictly prohibited from engaging in the following activities:

- a. The sale of fuel for use in aircraft.
- b. The rental of aircraft tie-down spaces to any person or persons, firm or corporation.

2. Any Operator (excluding scheduled passenger, unscheduled passenger, and Cargo Air Carrier operators who may provide the following for their own aircraft and/or full service fixed base operator agreement on the Airport. Such agreement must receive the prior written approval of Commission.

- a. Flight training
 - b. Aircraft rental and lease
 - c. Ramp service, including but not limited to deicing and preheating
3. "Through-The-Fence" operations are Strictly prohibited. All operators shall maintain an agreement with the Airport or an approved Airport tenant In accordance with these standards and operate from and lease facilities at the airport.
4. Where self fueling and associated facilities are permitted by individual entities, sharing those facilities with others is strictly prohibited.

These Minimum Standards for Commercial Aeronautical Activities on New Bedford Airport are hereby adopted on this day of March 9, 20 04.

New Bedford Regional Airport

Minimum Standards for the Operation of a

FIXED BASE OPERATION

Check List and Questionnaire

01. TENANT NAME: _____

MAILING ADDRESS: _____

02. INSURANCE:

Please submit with this Check List a copy of all insurance coverages required by your lease agreement. Please provide evidence that these policies are current and in effect at the time of your submission.

03. FEES AND CHARGES:

Please submit a full schedule of Rates and Charges that are offered to both based and transient customers including those fees and charges for fuels, oils, tie downs, hangar rentals, and other services and products that are normally offered to the public by a FBO.

04. Do you offer the following Minimum Services? Y or N

Tie Downs _____ How Many? _____

Hangar Storage _____ Largest A/C that can be stored _____

A/C Deicing _____ Jet Fuel _____ AvGas _____ Oils _____

Ramp Attendant 7 days/8 hrs per day _____

A/C and engine repairs _____ Spare Parts Inventory _____

Aircraft Rentals _____ UNICOM _____

05. Permitted Services:

Aircraft Sales _____ Charters _____ Specialized A/C repairs _____

Flight Training _____

Other services offered but not required _____

06. Land and Improvements:

Leasehold square footage _____

Hangar Square Footage _____

Ramp Area Square Footage _____

Office Space Square Footage _____

Public rest Rooms _____

Pilots Lounge Area _____

Flight Planning Area _____

Number of Tie Downs _____

of Tie Downs for Transients _____

of Tie Downs for based A/C _____

of Customer vehicle Spaces on paved areas _____

07. Designate Manager with at least five (5) years FBO experience

08. Describe size, scope, hours of operation and staffing of maintenance and repair shop, parts availability, and fuel sales _____

09. Do you or any of your tenants engage in a charter, non-scheduled commercial flights, scheduled commercial flights, sightseeing flights? If yes, please describe name and type of operation. _____

10. Fuel Sales

Brand(s) of aviation fuel sold: JET _____ AVGAS _____

Do you advertise or have graphics which state which brands you sell? _____

Is the brand actually sold the same as what is advertised? _____

How many gallons of JET fuel was sold in 1998? _____

How many gallons of JET fuel was sold to public? _____

How many gallons of JET fuel was sold to sub-tenants? _____