

# Airport Minimum Standards

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**NC AirTAP** 



# What Are Minimum Standards?

- The rules developed by an airport to govern the use of the airport by those persons providing aeronautical services.
- The FAA's policy recommending minimum standards stems from the airport sponsor's grant assurances and similar property conveyance obligations to make the airport available for public use on reasonable conditions and without unjust discrimination.

# Why Minimum Standards?

- To keep you out of trouble.
- To let you say no.
- To help control your airport.
- To protect the level and quality of services offered at your airport.

# Why Minimum Standards?

- The owner or operator of any airport (airport sponsor) that has been developed or improved with Federal grant assistance or conveyances of Federal property assistance is required to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity
- The terms imposed on those who use the airport and its services must be reasonable and applied without unjust discrimination, whether by the airport sponsor or by a contractor or licensee who has been granted a right by the airport sponsor to offer services or commodities normally required to serve aeronautical users of the airport.
- Minimum standards set out the rules developed by an airport to ensure that aeronautical services are offered on a fair and uniform basis

# What Are The Rules?

- Sponsor Assurances – the set of guidelines that a sponsor agrees to follow when you decide to take federal funds.
- How many of you have ever actually reviewed the Sponsor Assurances
- Currently 39 assurances
- Easily available on the FAA web site
- AC 150/5190-7 Minimum Standards for Commercial Aeronautical Activities

# What Are The Rules?

## 22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on **reasonable terms** and **without unjust discrimination** to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to
- furnish said services on a **reasonable**, and **not unjustly discriminatory**, basis to all users thereof, and
  - charge **reasonable**, and **not unjustly discriminatory**, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

# What Are The Rules?

## 22. Economic Nondiscrimination

- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

# What Are The Rules?

## 23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public.

# What Are The Rules?

## 24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

# Developing Standards

- Minimum standards are not one size fits all.
- What is the particular nature of the aeronautical activity and the operating environment at the airport?
- Apply standards to all providers of aeronautical services, from full service FBO's to single service providers.
- Ensure that the standards are relevant to the activity to which they apply.
- Impose conditions that ensure the safe and efficient operation of the airport.

# Developing Standards

## Practical Questions

- What type of airport do you have?
- What type of documentation will business applicants be required to present as evidence of financial stability?
- What type of aeronautical activities will be conducted on your airport?
- How much space will be required for each type of aeronautical activity that may operate on your airport? (i.e. flight training has to have office space under 14 CFR 141.25 for record keeping purposes)
- What requirements do you have for personnel? (Sufficient trained personnel to run the operation smoothly and meet demand)
- What requirements do you have for insurance and indemnity?

# Self Fueling And Self Service

- Self service operations performed by the owner or operator of the aircraft using his or her own employees and equipment are not commercial activities.
- Cannot prohibit self fueling and self maintenance.
- Not part of Minimum Standards.

# Independent Operators

- How do you deal with the people who are not tenants on your airport but who provide services to tenants on your airport.
- Best practice is to prohibit, if possible.
- If you cannot prohibit then regulate.
- Develop a license or permitting process.
- Yearly fee (Flat fee or percentage of gross receipts).
- Insurance requirements.



# Airport Layout Plan

- Another way to protect your airport.
- Allows the airport to say no when someone wants to use a part of your airport in a way that you do not like.

# Can You Just Say No?

## 22. Economic Nondiscrimination

- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public. (Skydiving, Ultralights)
  - FAA is the final authority for determining what, in fact, constitutes a compromise of safety.
  - Contact the ADO office before taking action to determine the reasonableness of the regulation and whether unjust discrimination results from proposed restriction.

# What To Remember

- Review your minimum standards to see if they make sense taking into account how your airport operates.
- Apply your minimum standards uniformly and without unjust discrimination.
- Uniformly does not necessarily mean identically.
- If in doubt, contact your attorney.

# Thank You!

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