

Minimum Standards for Commercial
Airport Aeronautical Activity and Service Providers
At the

Las Cruces International Airport

August 2003
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Section 1 – Preamble and Policy

The Federal Aviation Administration (FAA) contends that it is the prerogative of the airport owner (sponsor) to impose Rules and Regulations for the operation and use of its airport and Minimum Standards to establish the threshold entry criteria for those wishing to engage in providing aeronautical services to the public on the airport. Two of the assurances given by the airport sponsor in exchange for Federal funding to assist in developing runways, taxiways, etc. at the airport address the obligation of establishing Minimum Standards. These assurances are:

1. Grant Assurance 22a – The Sponsor 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.
2. Grant Assurance 22h – 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.

The City of Las Cruces being the Owner and in a position of responsibility for the administration of the Las Cruces International Airport (LCIA) does hereby establish the following Policy for Minimum Standards:

These Minimum Standards are the threshold entry requirements for those wishing to provide commercial aeronautical services to the public and to insure that those who are currently providing commodities and services as approved, are not exposed to unfair or irresponsible competition. These Minimum Standards were developed taking into consideration the aviation role of the LCIA, facilities that currently exist, services being offered, the future development planned and to promote fair competition at LCIA. The uniform application of these Minimum Standards, containing the minimum levels of service that must be offered by the commercial aeronautical service providers, relate primarily to the public interest and discourages substandard entrepreneurs, thereby conserving competent aviation and aeronautical activity and protecting the LCIA users.

Special Restrictions on Airport Land and Facility Use. No person shall be granted the right to conduct any commercial aeronautical or non-aeronautical activity upon LCIA, nor shall any person be permitted to use any land or conduct any commercial aeronautical or non-aeronautical activity or the solicitation of business in connection therewith, unless such activity is conducted in accordance with these standards. The issuance of the proper permits, licenses, and/or the execution of a valid contract or agreement with the City of Las Cruces to conduct such activities with the City will be required. These Minimum Standards may be amended from time to time by the City of Las Cruces.

Upon adoption of these standards, all present Operators shall propose a timeline of no more than ninety days (90) to the City of Las Cruces for compliance as it affects their operation.

All Appendixes to the Minimum Standards for Commercial Airport Aeronautical Activity and Service Providers at the Las Cruces International Airport shall be reviewed, revised, and updated annually.

Section 2 – Definitions

The following words, terms and phrases, when used in these Minimum Standards, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aeronautical means anything which involves, makes possible, or is required for the flight of aircraft, or the storage or presence of aircraft on the airport, or which contributes to, or is required for the safety of aircraft in flight.

Aeronautical Activity and Service Provider means any activity or service whether conducted on or off airport property which involves, makes possible, supports, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations and shall include, but not limited to, all activities or services commonly conducted on airports, such as: Charter operations, air taxi, pilot training, aircraft rental, sightseeing, aerial photography, crop dusting, aerial applications, flying clubs, aerial advertising, and aerial surveying, air carrier operations, aircraft sales and service, sale of aviation petroleum products, whether or not conducted in conjunction with other included activities or services, repair and maintenance of aircraft, sale of aircraft, parts, sale or maintenance of aircraft accessories, radio communication and navigation equipment, and any other activity which, because of its direct relationship to the operation of aircraft, can appropriately be regarded as an aeronautical activity or service.

Aircraft means a vehicle that is used or intended to be used for flight in the air and subject to regulation by the Federal Aviation Administration.

Airline means a commercial operator offering air transportation to passengers to specified destinations at scheduled times, and subject to regulations by the FAA in accordance with FAR Part 119, 121, or 135. For the purposes of this policy, scheduled air cargo flying operations are included in this category.

Airport, when capitalized, means the Las Cruces International Airport (LCIA), and all of the property, buildings, facilities and improvements within the exterior boundaries of the airport as depicted in the Airport Layout Plan, or as it may hereinafter be extended, enlarged or modified.

Airport Certification Specifications means those local rules and standards required by FAR Part 139.209 to be established by the Airport Manager, and approved by the FAA, to directly supplement the requirements of FAR Part 139.

Airport commercial lease means the written agreement between a Commercial Operator and the City in which the City grants a non-exclusive right to conduct Commercial Activity on City-owned property at the Las Cruces International Airport.

Airport Manager means the City Manager or his/her designee who has direct supervisory and functional responsibility for the operation and maintenance of the Airport.

Airport Operating Certificate means the certificate issued to the City by the FAA authorizing and requiring the City to operate the Airport in accordance with FAR Part 139 and the Airport Certification Specifications.

Airside means that portion of the Airport meant for taxiing, hover taxiing, air taxiing, takeoff, landing, parking, loading or unloading, or any other aircraft operation, and includes the aircraft parking aprons, taxiways, runways and safety areas.

ARFF means Airport Rescue and Fire Fighting services for aircraft.

Commercial activity means any activity by any person, the purpose of which is to secure earnings, income, compensation, or profit, whether such objective or objectives are accomplished or not.

Commercial aircraft means any aircraft used in the conduct of any Commercial Activity.

Commercial aviation operator means a person or persons, firm, or corporation engaging in an activity 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. Authorized activities shall be strictly limited to any one, or a combination, of the following aeronautical services performed in full compliance with the Las Cruces International Airport Minimum Standards.

Aircraft Sales (New and/or Used)

Airframe and Power Plant Repair Facilities

Aircraft Rental

Flight Training

Line Services (Aircraft Fuels and Oil Dispensing)

Aerial Spraying

Specialized Aircraft Repair Services (Radios, Propellers, Instruments, and Accessories)

Aircraft Charter or Air Taxi

Specialized Commercial Flying Services

Multiple Services

Commercial Aviation Operators Subleasing from another Commercial Operator on the Airport

Non-Profit flying clubs and similar non-profit corporations even though they may provide flight instruction, rental aircraft, and other services for their members only, are not considered a commercial aviation operator for purpose of these standards and would be subject to Section 17.

Non-Commercial Aviation Fuel Usage

Off-Site Operators Subleasing from another Commercial Operator

Miscellaneous Services including but not limited to Car Rentals, Food Services, and Aircraft Detailing

Any other activities not specifically provided for in the Minimum Standards, will normally be subject to negotiations.

Driver means any person who drives or is in physical control of a motor vehicle.

Employee means any individual who is paid for services by another person, either at an hourly rate or by salary, and the employer issues a Form W-2 Wage and Tax Statement, or withholds social security and other withholdings in accordance with state and federal tax laws, consistent with the employer/employee relationship.

FAA means The Federal Aviation Administration.

FAR means that portion of the United States Code commonly known as the Federal Aviation Regulations.

FBO or Fixed Base Operator for the purposes of the Las Cruces Minimum Standards shall mean business or person (s) engaged in *primary commercial aeronautical support services* as described in Section 5 of these Minimum Standards.

FCC means the Federal Communications Commission.

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

HVAC means Heating, Ventilation and Air Conditioning.

Line Services means the into-plane delivery of fuels, oils, and other lubricants, the providing of ramp assistance, parking, storage, and tie down of aircraft.

Motor Vehicle means any vehicle, other than an aircraft, which is motorized.

NOTAM means "Notice to Airmen" - a notice containing interim information which is essential to personnel concerned with flight operations.

On-demand Flying Services means commercial flying activities other than Airline activities. Examples include crop dusting, flight instruction, air taxi, and air ambulance.

Perimeter fence means the outermost continuous fence of the Airport, including gates and gate ways.

Perimeter road means the service road along the perimeter fence.

Person means any individual, firm, partnership, corporation (including registered non-profit corporations), company, association, joint-stock association, or governmental entity. It includes trustees, receivers, assignees, employees, or similar representative of any of them.

ROA/ROI means Return of Asset/ Return on Investment

Safety area means any FAA-designated area abutting the edges of a runway or taxiway intended to reduce the risk of damage to an aircraft.

Specialized Aviation Service Operations (SASO) means individual commercial aeronautical services or goods. SASO for the purposes of the Las Cruces Minimum Standards shall mean person (s) engaged in *secondary commercial support services* as described in Section 5 of these Minimum Standards.

Tenant means any person, firm or corporation leasing property at the Las Cruces International Airport for aeronautical purposes. An Airport Tenant may hangar their aircraft on their leased property subject to the terms and conditions of a negotiated lease.

Through-the-fence-operator means a person offering commercial goods or services, other than passenger or cargo transportation by aircraft, to customers on the Airport, but who does not maintain their primary place of business at the Airport.

UNICOM means an air/ground radio communication station operated in accordance with the Aeronautical Information Manual on the Common Traffic Advisory Frequency assigned for use at the Airport by the FAA and the FCC.

Section 3– Applications and Qualifications

Demonstration of intent to conduct a business operation at the Airport shall be by application to the City of Las Cruces. The written application shall contain at the minimum the following:

1. The proposed nature of the business. A business plan shall be used to express the proposed nature of the business. (See a business plan outline at **APPENDIX 2**.)
2. The signatures and legal names of all parties whose names are being submitted as owning an interest in the business or will appear on leases or other documents as being a partner, director or corporate officer and those who will be managing the business.
3. The name, telephone number and address of the primary contact person.
4. The current financial statement prepared or certified by a Certified Public Accountant or a Registered Public Accountant.
5. A listing of assets owned, or being purchased, or leased which will be used in the business on the Airport.
6. A current credit report for each party owning or having 20 percent or more financial interest in the business and a credit report on the business itself covering all geographical areas in which it has done business in the ten-year period immediately prior to such application.
7. An agreement to provide a bond or suitable guarantee of adequate funds to the City of Las Cruces to be used as a security deposit, and estimated lease amount of last month of lease term.
8. A written authorization to the Airport Manager and/or the City of Las Cruces to release information in their files from the FAA, any aviation or aeronautics commissions, administrators, and departments of all states in which the applicant has engaged in aviation business relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be required by those agencies.
9. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the LCIA as part of the activity for which approval is sought.
10. Proof (copy or insurance company letter of intent) of liability coverage for the business operation, flight operations, itinerant aircraft and operators and premises insurance with the City named as additionally insured.
11. The approximate number of persons to be employed including names and qualifications of management or supervisory personnel and whether they are to be full or part time employees.
12. Such other information as the City of Las Cruces may require.

Section 4 – Action on Application

All applications will be reviewed and acted upon by the City of Las Cruces within 14 days from the receipt of the application. Action on applications may take longer or be denied for one or more of the following reasons:

1. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards.
2. The applicant's proposed operations or construction will create a safety hazard on the Airport.
3. The granting of the application will require the expenditure of local funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to the City of Las Cruces.
4. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.
5. The proposed operation, Airport development or construction does not comply with the approved Airport Layout Plan.
6. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport, such as problems in connection with aircraft traffic or service, or preventing free access and egress to the existing fixed base operator area, or will result in depriving, without the proper economic study, an existing fixed base operator or portions of its leased area in which it is operating.
7. Any party applying, or having an interest in the business, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
8. Any party applying, or having an interest in the business, has a record of violating the Rules, or the Rules and Regulations of any other Airport, Civil Air Regulations, FARs, or any other Rules and Regulations applicable to this or any other Airport.
9. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with the City of Las Cruces or any lease or other agreement at any other airport.
10. Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible in the judgment of the City of Las Cruces to provide and maintain the business to which the application relates and to promptly pay amounts due under the FBO lease.
11. The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
12. The party applying or having an interest in the business has failed to make full disclosure in the application or supporting documents.
13. The party applying or having an interest in the business has committed any crime, or violated any local ordinance rule or regulation, which adversely reflects on the applicant's ability to conduct the FBO operation applied for.

Appeal Process

Staff's decision on denying an application can be appealed in writing to the Airport Advisory Board within 30 calendar days. If that appeal decision is not satisfactory to the applicant, the applicant may appeal in writing to the City of Las Cruces, City Council within 14 days of the AAB written decision.

NOTE:

Under unique circumstances or opportunity the City of Las Cruces may elect to exercise their representative powers and enter into a probationary/temporary lease agreement with an applicant who does not fully meet the application requirements for reasons that may be beneficial to the operation of the Airport or the community based on the applicant qualifying in a reasonable time to all parties.

Section 5 – Minimum Standards for all FBO’s or SASO’s

The following shall apply to all prospective aeronautical service providers wishing to become FBO’s or SASO’s at the Las Cruces International Airport:

1. FBO (Fixed Base Operator) for the purposes of the Las Cruces Minimum Standards shall mean person (s) engaged in **Primary Commercial Aeronautical Support Services** as described in this section of the Minimum Standards.

Primary Commercial Aeronautical Support Services. Primary commercial aeronautical support services shall consist of those services rendered directly to general aviation aircraft, which are identified as all aircraft using the airport except the aircraft of certified air carriers who are tenants of the airport. Such services must include, but not be necessarily limited to, aircraft arrivals guidance; flight line servicing, including the sale and enplaned delivery of aviation fuel and petroleum products; providing minor airframe and power plant maintenance service to aircraft and basic aircraft equipment and accessories that may be required by aircraft operating or based at the airport; ramp assistance to aircraft, including aircraft parking, storage, and tie down services; providing emergency service to disabled aircraft on the airport, including towing or transportation of disabled aircraft having a gross landing weight not in excess of 12,500 pounds to the leased premises at the request of the owner or operator of the disabled aircraft or the Airport Manager.

2. Exclusions The following concessions shall be excluded from the lease of any primary commercial aeronautical support services Fixed Base Operator unless specifically approved by the Airport Manager or the City of Las Cruces City Council through a waiver, letter of agreement or as a term of a lease agreement:

- a) Ground transportation for hire
- b) Western Union and/or other commercial telecommunications services
- c) Auto rental services
- d) News and sundry sales
- e) Barber, valet and personal sales
- f) Wholesale or retail sale of non-aviation products
- g) Automotive gasoline station
- h) Automotive or marine maintenance and repair service for vehicular or marine equipment of the general public or other tenants of the Airport.
- i) Restaurant.
- j) ATM

3. Detailed Requirements A Fixed Based Operator (FBO) wishing to engage in a business on the airport, which must include all of the services classified as primary and may include secondary commercial aeronautical support services as described in the Minimum Standards, will also be required to meet the following detailed requirements:

a) *Investment.* A minimum investment in facilities, tools, and equipment excluding aircraft to provide Primary Services at the airport will be determined by the City of Las Cruces, part of which may be satisfied by the leasing of existing facilities, the value of which shall be determined by the City of Las Cruces.

b) *Construction.*

- 1) Site Plan. All site, building and facilities location, plans for the area leased must be reviewed and approved by the Airport Manager.
- 2) Utilities. All proposed utilities to be brought into the property must be reviewed and approved by the Airport Manager. All construction, including facility installations, buildings and infrastructure must comply with all appropriate local, state, and federal building, structural, electrical, HVAC, plumbing, mechanical, fire, flood, and health protection codes, permitting requirements, regulations and standards as applicable and established by the appropriate governmental agencies.
- 3) Final Approval Authority. All of the proposed construction and improvements will be subject to the final approval authority of the Airport Manager.

4. Leases shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold and in accordance with planned operations on the airport. The Airport will take into consideration the current Master Plan and Airport Layout Plan.

5. The **Primary Aeronautical Commercial Support Services FBO** shall lease from the City of Las Cruces:

- a. Sufficient area of ground space to provide for outside tie-down, storage and parking of a minimum of 20 aircraft.
- b. Sufficient space on which shall be erected a building to provide, or is an existing building that provides sufficient floor space for aircraft storage of not less than 6,000 square feet.
- c. Paved parking for the FBO's customers and employees in accordance with local American Disabilities Act (ADA) building/construction requirements, but not less than 20 parking spaces.
- d. Sufficient enclosed facility space, but no less than 2500 square feet, to accommodate for **separate** space which shall be properly air conditioned, heated, ventilated and lighted to provide for:
 1. Office
 2. Customer lounge
 3. Pilot lounge

4. Flight planning room with appropriate seating, work areas, communication facilities, directories and all items necessary for complete flight planning separate from other public areas.
5. Waiting areas and sufficient thoroughfare for the transition of air passengers to and from ground transportation.
6. Rest rooms.
7. Public telephone facilities for customer use.

6. The FBO shall have the leased premises open and services available for a minimum of nine (9) hours, seven (7) days a week, and shall make provisions for a qualified and trained individual to be in attendance in the office during the required hours.

7. In addition to the foregoing, the FBO may provide Secondary Commercial Aeronautical Support Services. It is understood that providing these services by the FBO is strictly at the FBO's election. However, if the FBO so elects, the FBO must comply with the Minimum Standards outlined below.

8. *SASO (Specialized Aviation Service Operation) for the purposes of the Las Cruces Minimum Standards shall mean person(s) engaged in Secondary Commercial Aeronautical Support Services as described in this section of the Minimum Standards.*

The Secondary Commercial Aeronautical Support Services shall consist of those services generally offered at any airport which are not classified as being in primary support of aircraft using the airport. Such services shall include but not be limited to:

Providing major airframe, power plant, avionics maintenance service to aircraft and aircraft equipment and accessories required by aircraft operating or based at the airport; flight instruction; charter or rental of aircraft, with or without pilot; air taxi service; sightseeing services; cargo handling; the sale or brokerage of new or used aircraft parts and accessories; aircraft fabrication, painting and upholstery; meteorological services, aerial photography and surveying; the maintenance and servicing, including fueling of aircraft ground servicing equipment of other tenants of the airport; and the sale from vending machines or similar facilities located within the leased premises of convenience foods, amenities, and non-alcoholic beverages, provided that such sales shall be limited to aeronautical customers of lessee, and shall not be made in the form of a restaurant operation, and shall be strictly limited to vending machines or similar facilities for the convenience of other than airline passengers.

The SASO shall lease a sufficient amount of ground space for hangars, building and parking to meet their specialty aeronautical service. The minimum investment in facilities, tools, and equipment to provide Secondary Service shall be determined by the City of Las Cruces. The SASO shall post the hours of operation, and abide by the posted hours, and/or as per lease agreement.

9. All FBO's and SASO's shall demonstrate to the City of Las Cruces' satisfaction, evidence of the their insurance coverage as stipulated for each particular type of operation and name the City of Las Cruces as an additional insured. An FBO should make its own analysis to determine if

more is needed. However, such policy or policies of insurance shall be maintained in full force and effect during the terms of existing leases, agreements or business licenses or renewals or extensions thereof with a 30-calendar day notice of cancellation to the City of Las Cruces. Such policies shall not be for less than the amounts determined by the risk analysis listed at **APPENDIX 1**: however, in all cases, amounts of policies must meet the statutory requirements of applicable governmental agencies and be approved in writing by the City of Las Cruces.

Section 6 – Aircraft Sales

Statement of Concept

1. **New Aircraft Sales:** An aircraft sales company is engaged in the sale of new aircraft through franchises or licensed dealerships (if required by local, county or state authority) or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or used aircraft; and has the ability to provide for repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.

2. **Used Aircraft Sales:** Many companies engage in the purchasing and selling of used aircraft. This is accomplished through various methods including matching potential purchasers with an aircraft (brokering), assisting a customer in the purchase or sale of an aircraft, or purchasing used aircraft and marketing them to potential purchasers. Sometimes these companies' also provide such repair, services, and parts as necessary to support the operation of aircraft sold.

Minimum Standards

1. The sales entity shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period and shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The company engaged in the business of selling new aircraft shall have available a representative example of the product.

2. The company shall have in its employment, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth. The company shall also maintain, during all business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent, and act for and on behalf of the firm. The company shall also have the ability to provide an individual with the proper certification and qualifications to check ride pilots for aircraft sold.

3. A minimum of 300 square feet of office space is required for aircraft sales, with a minimum of two (2) tie downs and appropriate ramp area with access to public restrooms or this type of company may be a sublessee of an FBO with Airport Management approval.

4. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 7 – Aircraft Airframe, Engine and Accessory Maintenance and Repair

Statement of Concept

An aircraft airframe, engine and accessory maintenance and repair Facility provides one or a combination of airframe, engine and accessory overhauls and repair services on aircraft up to and may include business jet aircraft and helicopters. This category shall also include the sale of aircraft parts, accessories and aircraft lubricants.

Minimum Standards

1. The company shall provide sufficient equipment, supplies, manuals and availability of parts equivalent to that required for certification by the FAA. The company must remain open during normal business hours as specified in the lease agreement. Business hours will be defined according to services offered. A minimum 3,000 square foot usable hangar space with an additional 300 square feet of office space is required for this activity.
2. The FBO or SASO shall have in its employ, on duty, or the ability to provide during the appropriate business hours, trained and certified personnel required to meet the services required for this type of operation, but never less than one person currently certificated by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating.
3. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 8 – Aircraft Lease and Rental

Statement of Concept

A business engaged in the rental or lease of aircraft and/or ultralights to the public.

Minimum Standards

1. Aircraft:
 - a) The firm shall have available for rental, either owned or the ability to lease under written agreement to the company, a minimum of two (2) certified and currently airworthy aircraft, one of which must be a four-place aircraft, and one of which must be equipped for and capable of flight under instrument weather conditions. A minimum 300 square feet of office space and two (2) aircraft tie-down spaces are required for this activity.
 - b) The company shall have in its employment and available during the appropriate business hours, a minimum of one person having a current FAA commercial pilot certificate with appropriate ratings, including instructor rating.
2. Ultralight Vehicles:
 - a) The company shall have available for rental, either owned or under written lease, one approved ultralight vehicle. A minimum 300 square feet of office space and one (1) aircraft tie-down space is required for this activity.
 - b) The company shall have in its employment and on duty during appropriate business hours, a minimum of one person having a current FAA commercial pilot certificate or an Advanced Flight Instructor's (AFI) rating from the United States Ultralight Association (USUA) or as required under 14 CFR Part 103.
3. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 9 – Flight Training

Statement of Concept

A Flight training SASO or FBO engages in instructing pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

Minimum Standards

1. The company shall have available for use in flight training, either owned or the ability to lease under written agreement, properly certificated aircraft, one of which must be a four-place aircraft, and one of which must be equipped for and capable of use in instrument flight instruction. A minimum 300 square feet of office space, two (2) aircraft tie-downs, and access to telephone and restrooms is required for this activity.
2. The company shall have at least one flight instructor who has been properly certificated by the FAA to provide the type of training offered.
3. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 10 – Commercial Skydiving

Statement of Concept

A Skydiving SASO or FBO engages in the transportation of persons for skydiving, instruction in skydiving, and rental and sales of skydiving equipment.

Minimum Standard

1. The company shall have available for skydiving, either owned or under written lease to the company, at least one properly certificated aircraft.
2. The company operation 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 a FAA commercial pilot certificate and be appropriately rated for the aircraft being operated. A minimum 300 square feet of office space, one (1) aircraft tie-down, access to telephones and restrooms, and sufficient area for skydiving staging and preparation.
3. The skydiving firm shall carry the same insurance coverage and limits as any other SASO on the airport with similar risk.
4. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 11 – Aircraft Fuel Service

Statement of Concept

FBO's the only authorized providers of aircraft fuel service supporting itinerant aircraft operations and operations of aircraft based on the airport.

Minimum Standards

No unauthorized Operator shall provide fuel on the airport. Any self-fueling by aircraft owners will be subject to non-commercial aviation fuel usage rules and regulations, the National Fire Protection Association (NFPA), the Uniform Fire Code, all applicable Federal, State, and City of Las Cruces requirements for each type of fuel dispensed.

All companies, contractors, sub-contractors, suppliers, providers, or other entities delivering any quantity of aviation fuel, AV Gas 100LL, or Jet aviation fuel, or any other type fuel or grade shall provide a duplicate original delivery receipt of type, quantity, and grade of product delivered to the LCIA, to the Airport Administration on the date of delivery or mailed within seven days.

Only FBO's providing Primary Commercial Aeronautical Support Services will be permitted under a lease agreement with the City of Las Cruces to sell, store, or provide aircraft fuel to or on the airport. An FBO conducting aviation fuel sales or service to the public on the Airport shall be required to provide the following services and equipment:

1. Appropriate grades of aviation fuel.
 - a. Jet Fuel
 - b. AVGas
2. An adequate inventory of generally accepted grades of aviation engine oil and lubricants.
3. The FBO must submit a copy of each and every delivery receipt for all AV Gas and Jet fuel deliveries to the LCIA within three (3) days of delivery.
4. Fuel dispensing equipment, meeting all applicable Federal, State, and City of Las Cruces requirements for each type of fuel dispensed. A minimum 10,000 gallon fixed fuel storage facility for each grade of fuel offered, and one fuel delivery truck for each type of fuel sold.
5. The Safe storage and handling of fuel and petroleum products in conformance with all Federal, State, County and City requirements and Fire Codes pertaining to safe storage and handling of fuel and petroleum products.
6. The lawful and sanitary handling and timely disposal, away from the Airport, of all solid waste, regulated waste, and other materials including, but not limited to, used oil, solvents, and other regulated waste. The piling and storage of crates, boxes, barrels, and other containers will not be permitted on the leased premises or airport property.

7. Adequate bonding wires will be installed, continuously inspected and maintained on all fueling equipment, to reduce the hazards of static electricity.
8. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by applicable fire codes.
9. The FBO shall own or lease a fixed fuel storage system which shall contain safety fixtures and filtration systems to be in compliance with the UFC, the EPA and the FAA requirements and regulations for fueling operations. The system shall be required to have a minimum of 10,000 gallons of storage for each type of fuel the FBO is required to provide. The storage system must include adequate fuel spill prevention features and containment capabilities, together with an approved fuel Spill Prevention Countermeasures and Control Plan (SPCC), as applicable.
10. The FBO will have documented and approved training programs for fuel personnel. Annual proof of fuel training shall be kept on file and submitted upon request for all employees fueling aircraft.
11. Proper equipment for aircraft towing, inflating aircraft tires, washing aircraft windscreens, and recharging aircraft batteries.
12. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 12 – Avionics, Instruments, Propeller Repair Station

Statement of Concept

An avionics, instrument, or propeller repair station SASO or FBO engages in the business of and provides a shop for the sales and repair of aircraft avionics, propellers, or instruments, and accessories for general aviation aircraft. This category may include the sale of new or used aircraft avionics, propellers, instruments, and accessories. The FBO or SASO shall hold the appropriate repair station certificates issued by FAA for the types of equipment it plans to service and/or install.

Minimum Standards

1. The SASO or FBO shall have in its employment and on duty during the appropriate business hours trained personnel required to meet the operations business in an efficient manner, but never less than one person who is an FAA rated radio, instrument or propeller repairman.
2. A minimum 300 square feet of office space, 3,000 square foot hangar, and access to restrooms and telephone.
3. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 13 – Aircraft Charter and Air Taxi

Statement of Concept

An on demand, or scheduled air charter or air taxi SASO or FBO engages in the business of providing air transportation (persons or property) to the general public for hire, on an unscheduled or scheduled basis under Code of Federal Regulations CFR 14 Part 135 of the Federal Aviation Regulations.

Minimum Standards

1. The company shall provide, either owned or under written lease, the type, class, size and number of aircraft intended to be used by the company. Aircraft must meet all FAA and DOT requirements of the air taxi commercial certificate held by the company.
2. A minimum of 300 square feet of office space, access to telephones, restrooms, aircraft tie-down, and automobile parking spaces are required for this activity.
3. The company shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as required to meet FAA regulations.
4. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 14 – Aircraft Storage

Statement of Concept

An FBO or SASO engaged in an aircraft storage business typically lease or rent aircraft hangar units. This may also include ramp or tie down space.

Minimum Standards

1. An FBO or SASO or business shall lease space sufficient for hangars, parking, taxiing, restrooms, and any other facilities necessary to be in compliance with all federal, state, and local requirements.
2. An FBO or SASO or business shall have its facilities available for the tenant's aircraft removal and storage on a continuous basis.
3. The minimum hangar requirement will be determined by FAA airport design standards in relation to the FBO or SASO business plan.
4. The FBO or SASO shall provide sufficient personnel trained to meet all requirements for the storage of aircraft with appropriate equipment.
5. Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 15 – Specialized Commercial Flying Services

Statement of Concept

1. A specialized commercial flying service engages in air transportation for hire for the purpose of providing the use of aircraft for the following activities:
 - a. Sightseeing flights.
 - b. Aerial Application.
 - c. Banner towing and aerial advertising.
 - d. Aerial photography or survey.
 - e. Power line or pipe line patrol.
 - f. Fire fighting.
 - g. Any other operations specifically excluded from Part 135 of the FARs.
 - h. Medical.

Minimum Standards

1. The company shall lease sufficient space to accommodate all activities and operations proposed by the firm. The minimum areas in each instance shall be subject to the approval of the City of Las Cruces. In the case of crop dusting or aerial application, the company shall make suitable arrangements and have such space available in its leased area for safe loading and unloading and storage and containment of chemical materials. A written emergency plan for the handling of hazardous materials will also be required. All spills should immediately be reported to the Airport Management. All companies' shall have the availability of aircraft suitably equipped and certified for the particular type of operation they intend to perform.
2. The City of Las Cruces shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All SASO's and FBO's will, however, be required to maintain the Airport General Liability Coverage as set forth in the Minimum Standards. (See **Appendix 1**)
3. The company shall have in its employment, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the needs of the business.
4. The company must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the services provided. A contact name and phone number must be provided to the Airport Management for emergency purposes.

Section 16 – Multiple Services

Statement of Concept

A multiple services commercial aviation business engages in any two or more of the Specialized Aviation Service Operations (SASO's) listed in these Minimum Standards or similar to those listed.

Minimum Standards

1. The FBO or SASO shall comply with the aircraft requirements, including the equipment for each aeronautical service to be performed. Multiple uses can be made of all aircraft owned or under lease by the company except aircraft used for crop dusting, aerial application, or other commercial use of chemicals. The company should have individuals certified to provide all services being offered.
2. The company shall provide the facilities, equipment and services required to meet the Minimum Standards as herein provided for all aeronautical service the FBO or SASO is performing.
3. The FBO or SASO shall obtain, as a minimum, that insurance coverage which is equal to individual insurance requirements of all aeronautical services being performed by the company and no less than the stated amounts within these Minimum Standards.
4. The FBO or SASO shall have in its employment, and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the Minimum Standards for each aeronautical service the FBO or SASO is performing. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the FBO or SASO.

Section 17 – Flying Clubs

Statement of Concept

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

Minimum Standards

Flying Clubs must meet the strict definition of the FAA and provide a list of members to the Airport Manager with an annual update. The Flying Clubs shall provide an emergency contact person and phone number.

Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 18 – SASO’s Subleasing From Another FBO or SASO

Prior to finalizing any subleasing agreement, the lessee and sublessee shall obtain the written approval of the City of Las Cruces for the business proposed. A sublease agreement and/or a description of the type of business and service to be offered by the sublessee shall be submitted to the Airport Administration.

The sublessee SASO shall meet all of the Minimum Standards established by the City of Las Cruces for the categories of services to be furnished by the SASO. The Minimum Standards may be met in combination between lessee and sublessee. The sublease agreement shall specifically define those services to be provided by the lessee to the sublessee that shall be used to meet the standards.

Insurance types and amounts as required for this activity. (See **Appendix 1**)

Section 19 – Environmental

Any FBO, SASO, person, party, firm, leasee, subleasee, or corporation operating on this airport must comply with all federal, state, and local environmental requirements as they exist and may be amended from time-to-time.

Section 20 – Security

Any FBO, SASO, person, party, firm, leasee, subleasee, or corporation operating on this airport must comply with all federal, state, and local Security requirements as they exist and may be amended from time-to-time.

Section 21 - Enforcement of Violations of the Minimum Standards

Violation of any of the terms, conditions, requirements, standards, or prohibitions of these Minimum Standards by a person or entity that does not have a current airport agreement with the City of Las Cruces may be punished in accordance with City Municipal Code.

Violation of any of the terms, conditions, requirements, standards, or prohibitions of these Minimum Standards by a person or entity that has an existing airport agreement with the City of Las Cruces may be grounds for the termination of the non-exclusive right to do business at the Las Cruces Municipal Airport or punished in accordance with City Municipal Code or as provided for in the provisions of the agreement, or both, cumulatively.

APPENDIX 1
Insurance Requirements

Type of Insurance	Minimum Limits	When Needed
Workmen's Compensation	Statutory	Statutory
Airport Liability	\$1 Million General Liability	For all commercial operators and general aviation tenants.
Aircraft Liability	Risk Analysis	To be determined.
Builders Risk	Risk Analysis	Construction projects.
Contractual Liability	Risk Analysis	To be determined.
Property Insurance	Replacement value	Covers physical damage of facilities constructed on airport property.
Automobile Liability	Statutory minimum	Vehicles driven on the airport premises.
Chemical Liability	Statutory minimum	Aerial applicators, etc.
Environmental	Risk Analysis	To be determined.

APPENDIX 2
Minimum Requirements for a Business Plan

1. All services that will be offered should be listed and confirmation of all required certification provided.
2. Amount of land or building space to comply with the minimum standards set forth in this document.
3. Building space that will be constructed and the site and floor plan proposed.
4. Number and type of aircraft that will be provided for each service being offered.
5. Equipment.
6. Number of persons to be employed.
7. Short resume for each of the owners (20% or more equity) and financial backers.
8. Short resume of the manager of the business including this person's experience and background in managing a business of this nature.
9. Proposed schedule of operations (days and hours).
10. Amounts and types of insurance coverage to be maintained (can be no less than the minimums required by the City of Las Cruces Risk Management).
11. A 5-year financial plan to include operational objectives and projections.
12. Proof of adequate resources to realize business objectives.
13. Methods to be used to attract new business (advertising and incentives).
14. Physical amenities to be provided to attract business.
15. Plans for physical expansion, if business should warrant such expansion.

APPENDIX 3
Rates and Charges
(Revised) 2003

Federal Aviation Administration Airport Assurances Part V, 24.;

Fee and Rental Structure. The Sponsor 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.

This Appendix 3 Rates and Charges will be reviewed annually, adjusted as needed and replaced in the Minimum Standards Document.

Rates and Charges shall be justified. The goal is to meet the cost of operating the airport, eliminating subsidies from the City's general tax fund.

In determining rates and charges, cost centers were evaluated. These included runways, taxiways, ramp maintenance, cost of facilities, utilities, and other airport administrative services and maintenance.

The City's legal obligation to the FAA for funding and grant assurances is the useful life of a facility, but no more than 20 years. Pavement useful life was calculated at 10 years.

1. Facility Lease Formulas

a. The square footage lease rate will be the total purchase price, divided over the life of the facility; 20 years.

$$\frac{\text{Purchase \$}}{20 \text{ years}} = \text{Annual \$}$$

$$\frac{\text{Annual \$}}{\text{Total Square Footage}} = \text{Base Sq. Ft.}$$

b. On a building with no associated purchase cost, the square footage lease rate will be the cost estimate to replace the building, divided by 20 years.

$$\frac{\text{Replacement Cost}}{20 \text{ years}} = \text{Annual \$}$$

$$\frac{\text{Annual \$}}{\text{Total Square Footage}} = \text{Base Sq. Ft.}$$

2. Pavement Lease Formulas

The cost of the pavement divided by 10 years, then divided by the total square footage.

$$\frac{\text{Cost/Replacement Cost}}{10 \text{ years}} = \text{Annual Rent}$$

$$\frac{\text{Annual Rate}}{\text{Total Square Footage}} = \text{Base Sq. Ft.}$$

**RATES AND CHARGES
(Revised 2003)**

Facility Lease Rate	Per Square Foot Annually
Calculated as Follows;	
Purchase/Appraised or Replacement Cost	_____
Utilities Cost	_____
Maintenance Cost (1.5% -2.5% of appraised value)	_____
Administrative Cost	_____
Return on Asset (4% annually)	_____
<hr/>	
Total Annual Cost	=====

Ramp Fee

Fixed Base Operator (FBO)	\$0.025/sq.ft.
Specialized Aviation Service Operation (SASO)	\$0.05/sq.ft.

Vehicle Parking Space Fee as required

FBO/SASO One 8 ft x 20ft parking space	\$0.70/per month
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Fuel Flowage Fee

City Owned Facility	\$0.06 per gallon
Non-City Owned Facility	\$0.04 per gallon

Land Lease Rate

Unimproved land with no taxi lane access within 100ft.	\$0.15 square foot per year
Improved Land; asphalt, concrete, Taxi lane access;	\$0.20 square foot per year
Non-aviation Unimproved Land	\$0.35 to \$0.60 sq. ft. per year

RATES AND CHARGES

- 1. Land Lease.**
 - One-time closing and processing fee \$500.00
 - Unimproved Land (no taxiway or paved street access within 100 feet) \$0.15/sf per yr.
 - Land with Taxiway or paved street access within 100 feet \$0.20/sf per year

- 2. Facility Lease-** Terminal Building Counter Space \$10.00
 - Office Space in City-owned Office Bldg. & Terminal \$10.00
 - Operations, Storage Space, Baggage Claim Areas \$10.00
 - Kiosk Space in Terminal \$75.00/mo
 - Airport Advertising (per 3' X 4' wall space or display rack) \$25.00/mo
 - Parking apron rented by an FBO \$0.025/sf per yr
 - Parking apron rented by an SASO \$0.05/sf per yr

- 3. Airport Commercial Lease Fee:** All Commercial Operators other than Transient Aircraft Commercial Operators, require a non-exclusive lease to use the Airport.
 - a.** Rental Car Operators resident on the Airport shall pay the following fee: 2% of Time and Mileage Charges for all rentals executed or returned to the Airport.

 - b.** Non-residents shall pay those set fees listed below.
 - When similar services are available from an FBO:
 - if more than 4 days: \$25.00/day
 - if more than 10 weeks: \$100.00/week
 - \$1,000.00/year

 - When similar services are not available from an FBO:
 - if more than 4 days: \$5.00/day, or
 - if more than 5 weeks: \$20.00/week,
 - \$125.00/year

- 4. Landing Fees** (*note - no fees for non-commercial aircraft*):
 - Commercial Aircraft (18,500 lbs or less, no ARFF required): \$2.50/landing
 - Commercial Aircraft (more than 18,500 lbs, with no more than 30 passenger seats, and not requiring ARFF services): \$5.00/landing
 - Commercial Aircraft (with more than 30 passenger seats, and/or requiring or requesting ARFF):
 - Landing Fee \$100.00/landing
 - Apron Use Fee (if remaining more than 2 hours) \$100.00/24-hrs
 - Fire Department Standby \$100.00/hr
 - Terminal Use Fee (per flight processing-charter flights only) \$100.00

- 5. Parking Fees** (*note – these fees apply to commercial and non-commercial aircraft*):
 - Aircraft with a wingspan or rotor width greater than 39 feet, but less than 60 feet:

Term	Tie-Down	Sunshade
-- Daily (more than 12 hours)	\$ 10.00	\$ 20.00
-- Monthly	\$ 37.50	\$ 75.00
-- Annually	\$412.50	\$825.00

 - Aircraft with a wingspan or rotor width of greater than or equal to 60 feet:
 - Sunshade \$50.00/month