



## **Minimum Standards for Commercial Aeronautical Activities**

Adopted June 25, 2007

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### **Livermore Municipal Airport**

# **Minimum Standards for Commercial Aeronautical Activities**

## **PART 1 INTRODUCTION, PURPOSE & DEFINITIONS**

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### **INTRODUCTION**

Prudent and proper airport administration requires that standards be adopted to establish the minimum acceptable qualifications of participants, level and quality of service, and other conditions which will be required of those proposing to conduct commercial aeronautical activities at the Livermore Municipal Airport. The requirement to impose standards on those proposing to conduct commercial aeronautical activities on a public airport relates to the public interest and provides protection from irresponsible, unsafe or inadequate service.

The adoption and enforcement of such standards ensures that those individuals or entities engaged in commercial aeronautical activities (“the Operator”) is reasonably fit, willing and able to discharge both its service obligations to its patrons and its economic obligations to the airport community and protects established commercial enterprises, the aviation users, and the public.

The standards established for any particular commercial aeronautical activity must be relevant to that activity, must be reasonable in scope and must be applied objectively and uniformly. Standards, so established and applied, promote economic stability by discouraging unqualified applicants and foster the level of services desired by the public.

### **PURPOSE**

These regulations prescribe minimum standards for the conduct of commercial aeronautical activities at Livermore Municipal Airport and specify certain clauses which will be included in lease agreements permitting the conduct of such activities. Any required determinations, interpretations or judgments regarding what constitutes an acceptable minimum standard, or regarding compliance with such standard, shall be made by the City. All entities are encouraged to exceed the applicable minimum standards.

Aeronautical Activities may be proposed that do not fall within the categories designated herein. In any such cases, appropriate minimum standards shall be developed on a case-by-case basis for such Activities and incorporated into the Operator’s Agreement. No entity shall be allowed to engage in Aeronautical activities at the airport under conditions that do not, in the City’s sole but reasonable discretion, meet these Minimum Standards.

### **APPLICABILITY**

Operators currently providing Activities without an Agreement or a Commercial Aviation Permit with the City will have six (6) months from the date of adoption of these Minimum Standards to become compliant with these Minimum Standards. These Minimum Standards shall apply to any new Agreement or any amendment to any existing Agreement relating to the occupancy or use of Airport land or Improvements for General Aviation Aeronautical Activities.

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**DEFINITIONS**

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

**Air Cargo Operator**, means an entity that provides the carriage of property under the appropriate FAR and operates aircraft that are within the weight limitations established for the Airport.

**Air Charter Operator**, means an entity that provides on-demand, non-scheduled passenger services and operates under the appropriate FAR (14 CFR Part 135 for common carriage or 14 CFR Part 125 for private carriage) with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport.

**Aircraft**, means any contrivance, now known or hereafter invented, used, or designed for navigation of or flight in the air.

**Aircraft Maintenance**, means the repair, adjustment or inspection of aircraft. Major repairs include major alterations to the airframe, power plant, propeller and accessories as defined in FAR Part 43. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories.

**Aircraft Sales Facility**, means an entity engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.

**Airframe and Power Plant Repair Facility**, means an entity operating under FAR Parts 63 and 91, or Part 145, and/or certified as an FAA Repair Station, as applicable, and providing one or a combination of airframe and power plant repair services. This category of services includes the sale of aircraft parts and accessories.

**Airport**, means the Livermore Municipal Airport, located in the City of Livermore, state of California.

**Airport Purpose**, means any authority action, undertaking or development that is consistent in maintaining the non-certificated status of the Airport and preserving the Airport funding category as a "Reliever Airport" serving general aviation users. The Airport Purpose does not include scheduled passenger services.

**Airport Operations Area (AOA)**, means any area of the Airport used or intended to be used for landing, taking-off, or surface maneuvering of aircraft.

**Apron**, means those paved areas of the Airport within the AOA designated by the Airport for the loading and unloading of passengers, servicing, or parking of aircraft.

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## DEFINITIONS (cont.)

**Avionics and Instrument Repair Facility**, means an entity engaged in the business of, and providing a facility for the repair of aircraft radios and electrical systems, instruments and other accessories for aircraft. This category of services includes the sale of aircraft parts and accessories of the type repaired.

**CFR**, means Code of Federal Regulations, of which Title 14 applies to Aeronautics and Space. The Federal Aviation Regulations (FAR) are a component thereof.

**Commercial Aeronautical Activity**, means any activity which involves, makes possible, or relates to the operation of aircraft, the purpose of such activity being to secure earnings, income, compensation or profit, whether or not such objective(s) is accomplished. However, Commercial Aeronautical Activity at the Airport shall not include any activity which is contrary to the Airport Purpose. Commercial Aeronautical Activities are specifically defined in Parts 3-A through 3-H.

**Commercial Aviation Permit (CAP)**, means the legal agreement between the Airport and an individual or entity providing a commercial aeronautical activity that grants permission to perform such activity on or from the Airport property, whether directly or indirectly related to aviation activities or aeronautical activities, and with the intent to generate and/or secure earnings, income, compensation (including exchange or barter of goods and services), and/or profit, whether or not such objectives are accomplished.

**Courtesy Vehicle**, means any vehicle used in Commercial Aeronautical Activity, other than a taxicab or vehicles regulated by the Public Utilities Commission, to transport persons, baggage, or goods, or any combination thereof, between the Airport and off-Airport businesses such as hotels, motels, or other attractions and the business establishment owning or operating such vehicle, the operation of which is generally performed as a service without direct costs to the passenger.

**DOT**, means United States Department of Transportation.

**Entity**, means a person, firm, corporation, or partnership.

**Equipment**, means all machinery, together with the necessary supplies, tools and apparatus necessary to the proper conduct of the activity being performed.

**Exclusive Right**, as defined by the FAA in its grant assurances, means the power, privilege or other right excluding or preventing another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition or unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties by excluding others from enjoying or exercising a similar right or rights would be an exclusive right.

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

## DEFINITIONS (cont.)

**FAA**, means Federal Aviation Administration.

**FAR**, means Federal Aviation Regulation.

**Fixed Base Operator (FBO)**, means an entity which maintains facilities at the Airport for the purpose of engaging in the retail sale of aviation fuels (if permitted) as well as aircraft sales/rental, flight instruction and training, air charter, air cargo, aircraft airframe and engine repair, avionics and aircraft line services.

For the purpose of these Minimum Standards, a FBO listed in Part 3-A is referred to as a "Full Service FBO" and shall engage in the retail sale of aviation fuels and provide full fuel and line services to all based and transient General Aviation aircraft. Minimum Standards for a FBO not providing Full services, but engaged in one or in a combination of the aforementioned aeronautical activities, are listed in Parts 3-B through 3-H, as applicable.

**Flight Training/Aircraft Rental Facility**, means an entity engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check for the category or categories of pilot's licenses and ratings involved. This category of services includes provisions for the rental of aircraft to the public.

**General Aviation**, means that portion of civil aviation that encompasses all facets of aviation except scheduled air carriers.

**Hazardous Material**, means any hazardous or toxic substance, material or waste which is, or becomes regulated, by any local government authority, the State of California or the United States Government. The term *Hazardous Material* includes without limitation, any substance that is (a) defined as a *hazardous substance* under appropriate state law provisions, specifically the California Fire Code and Section 6.95 of the California Health and Safety Code; (b) petroleum; (c) asbestos; (d) designated as *hazardous substance* pursuant to Section 311 of the Federal Water Pollution Control Act (33 USC Section 1321); (e) defined as *hazardous waste* pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act (42 USC Section 9601); or (f) defined as a *regulated substance* pursuant to Subchapter IX, Solid Waste Disposal Act (Regulation of Underground Storage Tanks) (42 USC Section 6991).

**Improvements**, means all buildings, structures and facilities including pavement, fencing, signs and landscaping constructed, installed or placed on, under or above any leased area by or with the concurrence of a lessee. Plans and specifications for all improvements must be approved by the City for conformity with its building and constructions standards. All permits required for the improvements must be obtained prior to construction.

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

## DEFINITIONS (cont.)

**Lease**, means a contractual agreement between the City and an entity setting forth the terms and conditions upon which the tenant may occupy and use the property.

**Master Plan**, means an assembly of appropriate documents and drawings covering the development of the airport from a physical, economical, social, and political jurisdictional perspective and adopted by the City, a copy of which is on file and available for inspection in the airport manager's office.

**Minimum Standards for Commercial Aeronautical Activities**, otherwise referred to as "Minimum Standards," means those qualifications, standards, and criteria set forth as the minimum requirements established as a condition for the right to engage in commercial aeronautical activities at the Airport, and as they may be amended from time to time.

**Operator**, means a person, firm, corporation, partnership that leases a facility or facilities at the Airport for the purpose of engaging in commercial aeronautical activities or related services. Included are sublessees and those who otherwise operate from a facility or facilities such as Commercial Aviation Permit holders.

**Principals**, means for Corporations all directors, officers, and stockholders holding more than 10% of the company stock; means for Partnerships all general and limited partners.

**Property**, means anything that is owned by an entity. Property is divided into two types: "real property," which is any interest in land, real estate, or the permanent improvements on it, and "personal property", which is everything else.

**Ramp**, means a paved area suitable for aircraft parking, and/or movement and staging of aircraft.

**Regulatory Measures**, means Federal, state, county, and City laws, codes, ordinances, policies, rules and regulations, all as may be in existence, hereafter enacted, and amended from time to time.

**Repair Facility**, means a facility utilized for the repair of aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such facility will be operated in accordance with pertinent FAA regulations.

**Rules and Regulations**, means those rules and regulations governing the operations of the airport, properly adopted by ordinance of the City Council, and as may be amended from time to time.

**Run-up**, means aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

## DEFINITIONS (cont.)

**Self-Fueling**, means the fueling of an aircraft by the owner of the aircraft or the owner's employees using the owner's equipment.

**Self-Service Fueling**, means dispensing fuel into an aircraft using a commercial self-service aircraft fueling station.

**Specialized Aviation Service Operator (or "SASO")**, means a commercial Operator engaged in providing a single aeronautical service, or a combination of aeronautical services, including, but not limited to Aircraft Maintenance, avionics or instrument maintenance, Aircraft rental and/or flight training, Aircraft charter or Aircraft management, Aircraft sales, and/or Aircraft storage. A SASO is not permitted to engage in aeronautical activities involving aviation fuel.

**Sublease**, means a lease granted by a lessee to another entity of all or part of the property.

**Tie-down**, means the area, paved, or unpaved, suitable for parking and mooring of aircraft wherein suitable tie-down points have been located.

**Weight Limitations**, means the maximum allowable weight limits established for the Airport relating to the maximum gross takeoff weight of any aircraft. The weight limitations at Livermore Municipal Airport are 45,000 pounds for single-wheel loads, and 65,000 pounds for dual-wheel loads.

## **Livermore Municipal Airport**

### **Minimum Standards for Commercial Aeronautical Activities**

#### **PART 2 GENERAL REQUIREMENTS AND STANDARDS**

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## **WRITTEN AGREEMENT WITH THE CITY OF LIVERMORE**

Prior to commencement of a commercial aeronautical activity, the Operator will be required to enter into a lease with the City and/or obtain a Commercial Aviation Permit. Such agreements will recite the terms and conditions under which the business will be operated on the Airport, including but not limited to, the term of the agreement, the rentals, fees and charges, the rights and obligations of the respective parties understood, therefore, that neither conditions therein contained nor those set forth in these Minimum Standards represent a complete recitation of the provisions to be included in the written agreement. Such provisions, however, will neither change nor modify the Minimum Standards nor be inconsistent therewith.

### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall lease, sublease, and/or construct sufficient ground space, facilities and accommodations for the proposed commercial aeronautical activity. The Operator must provide copies of subleases to the City. In addition to the general requirements listed below, refer to the respective commercial aeronautical activity sections (3-A through 3-H) for more specific ground space and facilities' requirements:

a.) The Operator shall provide a full description and detailed development plans (drawing) of the location of the ground space, facilities, and accommodations to be utilized solely for the Operator's proposed commercial aeronautical activity. The Operator must identify the location of its aircraft parking and staging areas, customer lounges, vehicle parking areas, and restrooms. Operator shall lease or Sublease sufficient land and/or lease, Sublease, or construct sufficient Improvements for the Activity as stipulated in these Minimum Standards.

b.) The ground space shall include paved access to the Operator's office and paved aircraft apron with tie-down or hangar facilities within the leased area sufficient to accommodate the movement, staging, and parking of Operator's, Operator's Sublessees', and customers' aircraft without interfering with the movement of aircraft in and out of other facilities and aircraft operating in Taxilanes or Taxiways and any other activities being performed. Aprons associated with hangars shall be able to accommodate the movement of the largest aircraft the hangar is able to accommodate into and out of the hangar, staging, and parking of customer and/or Operator aircraft without interfering with the movement of aircraft in and out of other facilities and aircraft operating in Taxilanes or Taxiways. Paved vehicle parking shall be sufficient to accommodate all Operator's and Operator's Sublessees' (if Subleasing facilities) customers, employees, visitors, vendors, and suppliers vehicles on a daily basis.

#### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS (cont.)**

c.) The facilities and floor space allotments shall include office and customer lounge facilities. These facilities must be properly heated, ventilated, cooled and lighted.

d.) The public accommodations shall include telephones for customer use, restrooms, sufficient on-site customer and staff auto parking spaces, and handicap access in accordance with all federal, state and local regulations.

e.) The Operator shall maintain all pavement constructed by the Operator in good condition. The maintenance of the building(s), utility costs, and trash removal shall be the Operator's responsibility. Landscaping and the maintenance of security fences and access gates within the Operator's leased premises shall be the Operator's responsibility.

f.) For construction of any new facilities, the Operator will be subject to the same standards of development as are contained in the Livermore Municipal Airport Master Plan and the City of Livermore Building Code, Fire Code, and the Planning & Zoning Code. All construction plans must be submitted to the City for approval prior to modification or construction of any building, hangar, or other facility on the leased premises.

g.) The business and construction activities of the Operator shall be done in such manner as to avoid the dispersion of foreign object debris on the airfield.

h.) Operator shall not discriminate against any person or class of persons by reason of race, creed, color, national origin, sex, age or physical handicap in providing any products or services or in the use of any of its facilities provided for the public, or in any manner prohibited by applicable Regulatory Measures including, without limitation, Part 21 of the Rules and Regulations of the office of the Secretary of Transportation effectuating Title VI of the Civil Rights Act of 1964, as amended or reenacted.

## **LICENSES AND CERTIFICATIONS**

The Operator shall comply with all federal, state, county and/or municipal laws and regulations concerning its proposed operation and, if requested, provide copies of all pertinent permits, licenses and certifications. Operator shall keep in effect and post in a prominent place all necessary or required licenses, permits, certifications, or ratings.

## **PERSONNEL**

The Operator shall have in his employ and on duty during operating hours, trained personnel in such number as are required to meet the Minimum Standards and Specific Requirements set forth herein. The Operator shall also provide a responsible person on the leased premises to supervise the operations during all business hours.

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## **PERSONNEL(cont.)**

All personnel are required to hold all applicable Federal Aviation Administration Certificates and ratings. The person managing the Operator's activities shall have sufficient experience managing a comparable activity to that proposed on the qualified and authorized to represent and act for and on behalf of Operator during all hours of activities with respect to the method, manner, and conduct of the Operator and Operator's activities. When such responsible person is not on the leased premises, such individual shall be immediately available by telephone or pager. The Operator shall have in its employ, on duty, and on premises during hours of activity, properly trained, qualified and courteous personnel in such numbers as are required to meet these Minimum Standards and to meet the reasonable demands of the aviation public for each activity being conducted in a safe, efficient, courteous, and prompt manner.

## **SECURITY**

The Operator shall designate a responsible person for the coordination and communication of all security procedures and provide the Airport Manager with the names of both the primary and secondary contacts along with 24-hour telephone numbers for both persons. If requested by the Airport Manager, the Operator shall develop and maintain a Security Plan.

The Operator shall maintain fencing, doors, gates, lighting and locks in good condition. All Operators shall develop positive key control and apron access procedures and comply with the pertinent reporting requirements to the FAA, the Department of Homeland Security and law enforcement agencies.

## **AIRCRAFT LEASEBACK, SUBLEASE, OR OTHER AIRCRAFT OPERATING AGREEMENTS**

All aircraft leases, leasebacks, subleases or other aircraft operating agreements involving commercial activity between an aircraft owner/operator and other parties operating at the Airport shall conform to the standards stipulated under Parts 3-A through 3-H for the respective aeronautical activities being performed under the subject agreement.

All aircraft leases, leasebacks, subleases or other aircraft operating agreements involving commercial aircraft activity at or from the Airport shall include the following: "this agreement shall not violate the Minimum Standards for Commercial Aeronautical Activities as set by the City of Livermore nor shall this instrument be used for the purpose of evading any of the Livermore Municipal Airport Rules & Regulations."

## **INSURANCE**

The Operator shall procure, maintain, and pay premiums during the term of the agreement for insurance of the types and the minimum limits set forth in the specific requirements for

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## **INSURANCE (cont.)**

the respective commercial aeronautical activities under Parts 3-A through 3-H, and 4-A and 4-B.

Disclosure Requirement: All Operators conducting rental, sales, or flight training shall post a notice and incorporate within their rental agreements the coverages and limits provided to the student or renter by the Operator, as well as a statement advising that additional coverage is available to such student/renter through the purchase of an individual non-ownership liability policy. The Operator shall provide a copy of such notice to the Airport Manager.

## **FBO FUELING**

Although fueling activities performed by a Fixed Base Operator / Full service (Part 3-A) are subject to the following standards, the standards are also typically contained as covenants in the FBO's ground lease agreement and may include additional provisions.

## **SELF-FUELING**

Any Operator desiring to self-fuel as a stand-alone Operator or an Operator involved in any commercial aeronautical activity that would not otherwise qualify as a Fixed Base Operator / Full service, shall apply for a Self-Fueling Permit.

Issuance of the permit to the Operator (permittee) is based on the conformance with the following standards:

Self-fueling shall be limited to permittee's own use in aircraft owned by permittee and shall only be conducted on paved apron areas leased or subleased by permittee. The paved areas shall be of a size to permit proper aircraft storage, service and access to the taxiway/runway system, adequate to satisfy the number of aircraft owned by the permittee. Such services may only be provided by a direct employee of the Aircraft Operator utilizing the vehicles and equipment owned by the Operator. Otherwise, Aircraft Operators are only permitted to have their aircraft fueled, washed, or repaired by those Operators and Lessees authorized to provide such service pursuant to an Agreement with the City.

Self-fueling activities shall be in compliance with all applicable federal, state and local laws, regulations and codes, and shall be subject to inspection and approval by Airport, Fire Marshal and other local government inspectors having jurisdiction. Operators shall provide to the Airport Manager copies of fuel spill and fire emergency plans and procedures for review and approval. All personnel conducting fueling operations on permittee's premises shall attend safety and training programs which are subject to approval by the Airport and/or the Fire Marshall.

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## **SELF-FUELING (cont.)**

The permittee shall provide at least one refueler for each grade of fuel with a minimum tank capacity of 2,000 gallons, and separate underground storage tanks with a minimum capacity of 45,000 gallons, grades combined, with separate, filter-equipped dispensing pumps and meters for each grade of fuel. All fuel equipment and facilities shall be properly maintained and kept in safe and clean condition.

## **FUEL FLOWAGE FEE**

Any entity permitted to dispense fuel on the Airport, including self-fueling permit holders, shall pay a fuel flowage fee that has been established in the Airport Rates and Charges fee schedule, as revised from time to time and approved by City Council resolution, and submit monthly fueling activity reports to the Airport Manager. The FBO or permittee shall maintain liability insurance with coverage for products and completed operations with limits of not less than \$25 million per occurrence. The FBO or permittee shall enter into an agreement with the fuel supplier to guarantee the direct payment of the fuel flowage fee to the City immediately following each delivery of any aviation fuel product by the supplier. The fuel supplier shall provide a copy of the delivery receipt or bill of lading, showing the gravity-corrected and recalibrated net quantity, of which the fee shall be paid within 15 days from the date of delivery.

## **MOTOR VEHICLES ON AIRPORT**

The Operator will control the transportation of pilots, flight crews and passengers to and from the Operator's facility or office to the Operator's apron and/or tie-down areas. The

Operator performing this service with motor vehicles driving on the AOA shall do so only in accordance with the Livermore Municipal Code provisions relating to the Airport Rules & Regulations, a copy of which is available at the Airport administrative office or online.

Any Operator using service vehicles on the AOA in the support and conduct of its business shall procure and maintain automobile liability insurance with coverage of not less than \$1,000,000 per occurrence for bodily injury and property damage, naming the City as additional insured.

## **COMMERCIAL AVIATION PERMIT & FEE**

All Operators engaging in Commercial Aeronautical Activities at the Airport shall meet or exceed the requirements of this Section as well as the minimum standards applicable to the Operator's Activities, as set forth in subsequent sections.

Any Operator not being in possession of a valid ground lease agreement or having entered into a month-to-month lease with the City shall obtain a Commercial Aviation Permit ("CAP")

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## **COMMERCIAL AVIATION PERMIT & FEE (cont.)**

and pay an annual fee. The fee is subject to adjustment as specified from time to time by resolution of the City Council. The fee also applies to Specialized Aviation Service.

Operators who are sublessees or subtenants of Operators having leases with the City and shall be due on the first day of July of every year. The CAP authorizes the conduct of business on the Airport and assures that each business possesses a valid City Business License and maintains liability insurance in accordance with Part 4-B of these Minimum Standards for Commercial Aeronautical Activities and may be amended from time to time. Certificates of Insurance required by Regulatory Measures and set forth by these Minimum Standards for each Activity shall be delivered to the City upon execution of any Agreement or approval. Operator shall furnish additional Certificates of Insurance 30 days prior to any changes in coverage, if the change results in a reduction.

## **OTHER RATES & CHARGES**

The Operator shall pay any applicable rates and charges as set forth by resolution of the City Council. Pursuant to the Airport Rates and Charges (Resolution No. 2007-112), and any subsequent amendments thereto as authorized by the City Council, a landing fee for commercial aircraft operations is assessed. The fee only applies to non-based general aviation aircraft engaged in commercial activities, e.g., air taxi, charter or cargo operations conducted under FAR Part 121 and Part 135 or other applicable FAR's based on maximum certificated gross landing weight. Only revenue-producing operations are subject to the landing fee. Landings of aircraft that are based at Livermore through a written tie-down or hangar lease agreement with the City or the Lessee are exempt from the fee. Further exempt from the fees are landings conducted by military and federal government aircraft as well as landings performed due to in-flight emergencies, maintenance and training.

## **EXCLUSIVE RIGHT**

As defined by the FAA in its grant assurances, "Exclusive Right" means the power, privilege or other right excluding or preventing another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition or unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties by excluding others from enjoying or exercising a similar right or rights would be an exclusive right. *The granting of an exclusive right to conduct a Commercial Aeronautical Activity on an Airport developed by or improved with federal funds is expressly forbidden by law.* If the FAA determines that any provision of these Minimum Standards, Agreement, or a practice constitutes a grant of prohibited Exclusive Right, such provision or practice shall be deemed null and void and/or such practice shall be discontinued immediately.

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## **PART 2 GENERAL REQUIREMENTS AND STANDARDS**

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### **MULTIPLE SPECIALIZED ACTIVITIES**

When more than one Activity is conducted at the Airport by a single Operator, the applicable

minimum standards for the Operator shall be determined by the Airport Manager and shall be based upon the most stringent requirements for each of the Activities to be undertaken by the Operator.

## **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **PART 3-A                      FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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*A full service **Fixed Base Operator (FBO)** is an entity that is authorized and required by agreement with the Airport to maintain facilities at the Airport for the purpose of engaging in the retail sale of aviation fuels and lubricants, and provide aircraft airframe and engine maintenance and line services as well as tie-down, hangaring, parking, and ancillary aircraft*

ground services for gainful or revenue producing purpose, regardless of the form of compensation.

For the purpose of these Minimum Standards, an FBO listed in Part 3-A shall provide full fuel and line services to all based and transient general aviation aircraft, except those that hold a self-fueling permit. Minimum Standards for an FBO not providing full services, but engaged in one or in a combination of the aforementioned aeronautical activities, are listed in Parts 3-B through 3-H.

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The minimum ground space to be leased shall be 305,000 square feet, or 7.00 acres. Improvements shall include paved apron and taxiway surfaces as well as hangar, fuel farm, terminal, vehicle parking, landscaping, and office and shop space.

The principal buildings and facilities used by the FBO shall allocate a minimum of 1,500 square feet for conveniently located heated and air conditioned lounge or waiting rooms and restrooms for passengers and crews, which shall be maintained in a clean and sanitary manner. Public facilities for flight planning and weather information shall be provided for pilots. At least one public telephone shall be provided.

The fuel storage facility or fuel farm shall have a minimum capacity of 45,000 gallons combined for Avgas (100LL) and turbine fuel (Jet A).

Paved Tie-Down's shall be provided to accommodate an adequate number and variety of based and transient aircraft, encompassing no less than 100,000 square feet of paved tie-down apron.

A minimum of 25,000 square feet of hangar floor space shall be provided within which aircraft airframe and engine repair activities, hangar keeping, and any permitted aeronautical activity may be performed.

Automobile parking minimums shall be provided in relation to the size of the structures and ramp area, and in accordance within City of Livermore Planning and Zoning Code.

The FBO shall provide ground space, facilities and accommodations sufficient for each of its permitted activities.

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**PART 3-A FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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### **SCOPE OF SERVICE**

**Aircraft** – Reference the appropriate sections under Part 3 for the aircraft requirements for flight training, aircraft rental, aircraft sales, air cargo and air charter.

**Environmental** – The FBO shall comply with the requirements of the City’s Hazardous Materials Permit and shall have a written Spill Prevention Contingency and Control Plan that meets Regulatory Measures for fuel storage facilities. FBO shall be liable and indemnify the City for all leaks, spills, or other damage that may result through the handling and dispensing of fuel. Ensuring the quality of the fuel is the responsibility of the FBO.

**Equipment** – In regards to airframe and power plant repair activities, the FBO shall provide all equipment, supplies and parts necessary to accommodate those aircraft for which repair services will be provided.

In regards to Line Service activities, the FBO shall provide adequate tie-down facilities and equipment, including ropes, chains, wheel chocks, and other types of restraining devices, adequate loading, unloading and towing equipment to safely and efficiently move aircraft as necessary. Further provided shall be two Avgas refuelers and two jet refuelers with a minimum capacity of 2,000 gallons per unit, one ground power unit, one air start, one lavatory cart, two tugs rated for 65,000 lb. aircraft, a tow bar with heads for most general aviation aircraft falling within the 65,000 lb. limit, and a potable water delivery system. Also, proper equipment shall be provided for repairing and inflating aircraft tires, servicing oleo struts, changing oil, washing aircraft and aircraft windows, recharging or energizing discharged aircraft batteries and starters. FBO shall have on hand, at all times, sufficient containment booms to form a barrier around any fuel spills, and have sufficient cleanup absorbents, pillows, pads, etc., to pick up the product and to store the same (saturated booms, blankets, etc.) in a sealed container(s) until proper disposal can be effected. The salvage drum(s) shall be approved by the DOT (DOT-E-10102). FBO shall have an adequate number of approved and regularly inspected dry chemical fire extinguisher units that shall be maintained within all hangars, on apron areas, at fuel storage facilities, and on all ground handling and refueling vehicles.

**Licenses** – The FBO or its designees shall have and provide evidence of the appropriate FAA and DOT certifications and approvals for the required or permitted aeronautical activities. FBO and its personnel shall obtain and comply with, at FBO’s sole expense, all necessary licenses, permits, certifications, or ratings required for the conduct of FBO’s activities at the Airport as required by the City or any other duly authorized agency prior to engaging in any activity at the Airport. Upon request, FBO shall provide copies of such licenses, permits, certifications, or ratings to the Airport Manager within 10 business days. FBO shall keep in effect and post in a prominent place all necessary or required licenses, permits, certifications, or ratings.

## **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **PART 3-A FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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#### **SCOPE OF SERVICE (cont.)**

**Motor Vehicles** – The FBO shall provide aircraft-to-lounge ground transportation for transient passengers and pilots, and provide one Courtesy Vehicle to provide transportation of passengers, crews, and baggage to and from destinations on the Airport and local area hotels and restaurants.

**Personnel** – The FBO shall employ sufficient personnel who are appropriately rated by the FAA for the work being performed for each activity. Reference the appropriate sections under Part 3 for the personnel requirements for flight training, aircraft rental, aircraft sales, air cargo and air charter. The FBO shall have a line or customer service employee on duty at all times during operating hours.

**Rates and Charges** – The rates and charges for aircraft parking, tie-down and storage shall be determined by the FBO and are subject to the requirements that all rates and charges shall be reasonable and be equally and fairly applied to all users of its services. All rates and charges will be filed with the Airport Manager.

**Subleases** – The FBO may sublease a portion of the principal buildings and facilities for the purpose of assisting FBO in the full utilization of its fixed base operation. The FBO will develop a standard set of sublease terms and conditions which must be pre-approved by the City. The FBO is required to provide to the City, within ten (10) days of execution, a notarized copy of any sublease for building or hangar space to another entity which does not substantially conform to the pre-approved sublease terms and conditions to provide one or more commercial aeronautical activities.

The FBO shall include in any such sublease covenants and assurances from the sublessee regarding compliance with the applicable minimum standards and airport rules and regulations as codified in the Livermore Municipal Code. The commercial aeronautical activities and business purpose shall be clearly stated in the sublease and the sublessee shall be limited to those aeronautical activities. The FBO shall further specify that the operation is under the direct supervision and guidance of the FBO and subject to the terms and conditions of the ground lease in effect between the FBO and the City.

The FBO shall be required to carry commercial general liability insurance for all sublessees or provide a certificate of insurance naming the City of Livermore and sublessee as additional insured. Any entity subleasing FBO space is subject to payment of an annual Commercial Aviation Fee, as referenced in Parts 3-B through 3-H.

**Taxes and Assessments** – The FBO shall, at its sole cost and expense, pay all taxes, fees and other assessments that may be levied, assessed or charged by any duly authorized agency associated with FBO's Leased Premises against any building or other structure, land and/or improvements or personal property on the premises and/or FBO's activities.

## **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **PART 3-A FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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#### **REQUIRED ACTIVITIES**

**Airframe and Power Plant Repair** – Airframe and power plant repair services, including parts and accessories shall be provided by FAA approved personnel. The FBO can meet this required activity through an authorized Sublessee who meets the minimum requirements contained in Part 3-B.

**Hangar Keeping** – Hangar facilities shall be provided for the storage and maintenance of aircraft.

**Fueling** – The FBO shall make satisfactory arrangements with a recognized aviation fuel distributor for the delivery of fuels and oil in such quantities to meet the requirements set forth herein. Fuel flowage fees shall be paid to the City for all fuel dispensed by FBO.

Fuel and into-plane delivery of aviation fuels shall be provided by the FBO seven days a week, and between the hours of 6:00 AM and 9:00 PM, whether services are continuously offered or available after regularly scheduled hours, on-call, with response time not to exceed 45 minutes. The FBO shall be able to extend/adjust these operating hours if customers so demand in an effort to comply with the 10:00 PM to 6:00 AM “Voluntary Restraint from Night Flying” policy period. The FBO shall provide mobile fuel dispensing equipment capable of safe and efficient servicing of all types of general aviation aircraft.

Fuel storage tanks and fixed self-service fueling facilities shall be installed according to all current regulations and shall be subject to approval by the Livermore/Pleasanton Fire Department. FBO shall develop and maintain Standard Operating Procedures (SOP) for fueling and ground handling and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34A “Aircraft Ground Handling and Servicing.” FBO’s SOP shall include a training plan, fuel quality assurance procedures and record keeping, and emergency response procedures to fuel fires and spills. FBO’s SOP shall also address: bonding and fire protection; public protection; control of access to fuel storage facilities; and marking and labeling of fuel storage tanks and Refueling Vehicles. FBO’s SOP shall be submitted to the Airport Manager no later than 30 days before the FBO commences Activities at the Airport.

Aircraft Refueling Vehicles shall be equipped with metering devices that meet all applicable Regulatory Measures. Each Refueling Vehicle shall be equipped and maintained to comply with all applicable safety and fire prevention requirements, standards, and Regulatory Measure including without limitation, those prescribed by:

- State of California Fire Code and local Fire District
- National Fire Protection Association (NFPA) Codes
- California Department of Health and Environment Oil Inspection Regulatory Section

## **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **PART 3-A FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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#### **REQUIRED ACTIVITIES (cont.)**

- Applicable FAA Advisory Circulars (AC) including AC00-34 “Aircraft Ground Handling and Servicing” and AC 150/5210-5 “Painting, Marking and Lighting of Vehicles Used on an Airport”.
- FBO shall maintain current records on file of quality control checks and inspections of fuel storage facilities, fixed self-service fueling systems, and Refueling Vehicles and

shall make such records available to the Airport Manager for review/audit at any time.

**Line Service** – Involves buying, storing, selling and furnishing of aviation fuels and oils to third parties. Line service, including oxygen and nitrogen, facilities to service, clean and deodorize aircraft toilets and clean both the interior and exterior of aircraft, Unicom, telephone and radio contact to and with service personnel.

Line service further includes providing potable water, power starts, ground power, aircraft marshalling, towing, staging and parking, and reservations/arrangements for catering, hotel, rental car, taxi, crew/courtesy car and limousine services. The FBO shall provide initial and recurrent line service training and certification to all line personnel in accordance with Part 2 of these Minimum Standards.

### **PERMITTED ACTIVITIES**

The FBO must meet the more inclusive of the standards under this Part 3-A or the specific standards written for any and all of the Permitted Activities below:

|                                              |                   |
|----------------------------------------------|-------------------|
| Avionics and Instrument Repair               | Refer to Part 3-C |
| Air Charter                                  | Refer to Part 3-D |
| Air Cargo                                    | Refer to Part 3-E |
| Flight Training / Aircraft Rental            | Refer to Part 3-F |
| Aircraft Sales                               | Refer to Part 3-G |
| Specialized Aviation Service Operator (SASO) | Refer to Part 3-H |

**Concessions** – Lounge, food and beverage service, including vending machines, catering service and packaged liquor for restocking of aircraft galleys.

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 3-A FIXED BASE OPERATOR (FBO) / FULL SERVICE**

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### **PERMITTED ACTIVITIES (cont.)**

**Ground Transportation** – Car rental and other ground transportation services, automobile parking and automobile and other ground support, support equipment and rental automobiles.

**Office Space** – The FBO shall be permitted to sublease office space for aviation-related business activities not specifically listed herein.

FBO and its sublessees shall not discriminate against any person or class of persons by reason of race, creed, color, national origin, sex, age, or physical handicap in providing any products or services or in the use of any of its facilities provided for the public, or in any manner prohibited by applicable Regulatory Measures including without limitation Part 21 of the Rules and Regulations of the office of the Secretary of Transportation effectuating Title VI of the Civil Rights Act of 1964, as amended or reenacted.

## **FEES**

Fuel flowage fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

## **INSURANCE**

Refer to Part 4-A "Insurance for Fixed Base Operators."

## **AIRPORT DISASTER RELIEF SUPPORT**

The FBO shall make itself available as a resource in the event of a disaster and actively plan to provide fuel and equipment to support emergency medical evacuation flights and other relief flight activities.

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 3-B AIRFRAME AND POWER PLANT REPAIR**

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*An **Airframe and Power Plant Repair Facility Operator** is an entity operating under FAR Parts 43 and 91, or Part 145, and/or certified as an FAA Repair Station, as applicable, and providing one or a combination of airframe and power plant repair services. This category of services includes the sale of aircraft parts and accessories.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

## GROUND SPACE, FACILITIES AND ACCOMMODATIONS

The Operator shall provide, lease or sublease at least 2,500 square feet of hangar space for airframe and power plant repair services and, if contemplated, to include a segregated painting area meeting local and state code requirements.

The Operator shall provide, lease or sublease sufficient paved aircraft parking space within or nearby the leased area to accommodate customer aircraft awaiting repair without inhibiting on the airport's aircraft movement areas.

### SCOPE OF SERVICE

**Environmental** – The Operator must comply with the requirements of the City's Hazardous Materials Permit.

**Equipment** – The Operator shall provide all equipment, supplies and parts necessary to accommodate those aircraft for which repair services will be provided.

**Licenses & Certifications** – If the Operator applies to the FAA for Repair Station Certification under FAR Part 43 and Part 91, evidence of such application shall be submitted to the City.

If the Operator proposes to engage in the overhaul and repair of turbine power plants, FAR Part 145 Certification must be acquired within six months of initiation of operation and a copy must be filed with the Airport Manager prior to initiation of operation.

Repair personnel must be currently and properly certificated by the FAA with ratings appropriate to the work being performed. Operator shall have and provide to the Airport evidence of all federal, state, and local licenses, certificates, and permits that are required to conduct the activity.

**Operating Hours** – The Operator shall provide service in this category at least eight hours daily, five days a week. During non-operating hours, the Operator shall post or make otherwise known a telephone number or other contact provisions to permit an emergency call out.

#### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

### PART 3-B AIRFRAME AND POWER PLANT REPAIR

Page 2

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### SCOPE OF SERVICE (cont.)

**Personnel** – The Operator shall employ sufficient personnel who are appropriately rated by the FAA for the work being performed and who hold airframe, power plant, or aircraft inspection ratings. The Operator shall have an employee on duty at all times during the required operating hours.

### FEES

The Operator may be subject to payment of an annual Commercial Aviation Permit fee,

which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

## **INSURANCE**

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 3-C AVIONICS AND INSTRUMENT REPAIR**

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*An **Avionics and Instrument Repair Facility** Operator is an entity engaged in the business of, and providing a facility for the repair of aircraft radios and electrical systems, instruments and other accessories for aircraft. This category of services includes the sale of aircraft parts and accessories of the type repaired.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

#### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall provide, lease or sublease at least 1,000 square feet of shop/hangar space to store one aircraft, a paved area sufficient to park one aircraft with adequate tie-down facilities, and with paved access to the taxiway system.

## SCOPE OF SERVICE

**Licenses & Certifications** – The Operator shall have a FAR Part 145 Certificated Radio Repair Station for Class 1 and 2 radio repairs. Repair personnel must be currently and properly certificated by the FAA and by the Federal Communications Commission (FCC) with ratings appropriate to the work being performed.

**Operating Hours** – The Operator shall provide service in this category at least eight (8) hours daily, five (5) days a week. During non-operating hours, the Operator shall post or otherwise make known a telephone number or other contact provisions to permit an emergency call out.

**Personnel** – The Operator shall employ sufficient personnel who are appropriately rated by the FAA for the work being performed and who hold airframe, power plant, or aircraft inspection ratings. The Operator shall have an employee in the office at all times during the required operating hours.

## FEES

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

## INSURANCE

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## PART 3-D AIR CHARTER

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*An **Air Charter Operator** is an entity that provides on-demand, non-scheduled passenger services and operates under the appropriate FAR (14 CFR Part 135 for common carriage or 14 CFR Part 125 for private carriage) with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

## GROUND SPACE, FACILITIES AND ACCOMMODATIONS

The Operator shall provide or lease hangar space or a paved tie-down area with adequate

facilities to park all its charter aircraft and related equipment with paved access to the taxiway system. Facilities shall include customer access to restrooms, public use telephone and a customer lounge. Adequate vehicular parking areas to accommodate staff and customers shall be available.

## **SCOPE OF SERVICE**

**Aircraft** – The Operator shall have available for charter, either owned or under written lease to the Operator, at least one aircraft or helicopter, which must meet the requirements of the appropriate FAR Certificate held by the Operator.

**Licenses & Certifications** – The Operator shall obtain FAA certifications under one or more of FAR 61, 91, 121, 125, 135 and 137. The Operator shall provide evidence of any certification approvals, including the Registrations & Amendments under Part 298 (OST Form 4507), the FAA issued operating certificate, or any other forms that FAA or DOT may require or adopt that are pertinent to this category.

**Operating Hours** – The Operator shall have its services available to meet the public demand for this category at least eight (8) hours per day, five (5) days each week.

**Personnel** – The Operator shall have in its employ a sufficient number of qualified Commercial or Airline Transport rated pilots as required by Federal Aviation Regulations. If the Operator occupies an office, at least one employee shall be provided in the office at all times during the required operating hours. Otherwise, a telephone number or other contact provisions shall be provided to permit employee call-out during operating hours.

## **FEES**

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

## **FEES (cont.)**

The Air Charter Operator shall pay landing fees pursuant to the Airport Rates and Charges Resolution No. 2007-112, and any subsequent amendments thereto as authorized by the City Council for commercial aircraft operations. The fee only applies to non-based general aviation aircraft engaged in commercial activities, e.g., air taxi, charter or cargo operations conducted under FAR Part 121 and Part 135 or other applicable FAR's based on maximum certificated gross landing weight. Only revenue-producing operations are subject to the landing fee. Landings of aircraft that are based at Livermore through a written tie-down or hangar lease agreement with the City or the Lessee are exempt from the fee. Further exempt from the fees are landings conducted by military and federal government aircraft as well as landings performed due to in-flight emergencies, maintenance and training.

## **INSURANCE**

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 3-E AIR CARGO**

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*An **Air Cargo Operator** is an entity that provides the carriage of property under the appropriate FAR and operates aircraft that are within the weight limitations established for the Airport.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

#### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall provide, lease or sublease sufficient hangar space or a paved tie-down area with adequate facilities to park its cargo aircraft. The sorting and transfer of cargo shall either be done inside the hangar, or in a manner to avoid apron congestion and the dispersion of Foreign Object Debris (FOD) on the airfield.

## SCOPE OF SERVICE

**Aircraft** – The Operator shall have available for cargo transport, either owned or under written lease to the Operator, at least one aircraft or helicopter, which must meet the requirements of the appropriate FAR Certificate held by the Operator.

**Licenses & Certifications** – The Operator shall have and provide evidence of the appropriate FAA and DOT certifications and approvals, including the Preapplication Statement of Intent (FAA Form 8400-6), the Registrations & Amendments Under Part 298 (OST Form 4507), the FAA issued operating certificate, or any other forms that FAA or DOT may require or adopt that are pertinent to this category.

**Operating Hours** – The Operator shall have its services available to meet the public demand for this category.

**Personnel** – The Operator shall have in its employ a sufficient number of qualified pilots as appropriate under Federal Aviation Regulations.

## FEES

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

The Air Cargo Operator shall pay landing fees pursuant to the Airport Rates and Charges Resolution No. 2007-112, and any subsequent amendments thereto as authorized by the City Council for commercial aircraft operations. The fee only applies to non-based general aviation aircraft engaged in commercial activities, e.g., air taxi, charter or cargo operations

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

## FEES (cont.)

conducted under FAR Part 121 and Part 135 or other applicable FAR's based on maximum certificated gross landing weight. Only revenue-producing operations are subject to the landing fee. Landings of aircraft that are based at Livermore through a written tie-down or hangar lease agreement with the City or the Lessee are exempt from the fee. Further exempt from the fees are landings conducted by military and federal government aircraft as well as landings performed due to in-flight emergencies, maintenance and training.

## INSURANCE

Refer to Part 4-B "Insurance for Commercial Aeronautical Activities." (Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City's Risk Manager.)

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

**PART 3-F FLIGHT TRAINING / AIRCRAFT RENTAL**

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*A **Flight Training/Aircraft Rental Facility Operator** is an entity engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check for the category or categories of pilot's licenses and ratings involved. This category of services includes provisions for the rental of aircraft to the public. A person holding a current FAA flight instructor's certificate, who gives occasional flight instruction (does not make flight instruction available to the general public) to an owner of an aircraft in the owner's aircraft, shall not be deemed a commercial aeronautical activity.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

**GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall construct, lease or sublease a paved area with adequate tie-down

facilities to park all aircraft available for flight training and/or rental with paved access to the taxiway system and adequate vehicle parking to accommodate all activities of the Operator and all approved Sublessee(s), employees and customers.

The Operator shall further construct, lease or sublease at least 1,000 square feet of floor space that includes a classroom, administrative office, and/or pilot briefing room and a lounge. Maintenance and hangar areas are required if Operator is conducting aircraft maintenance on aircraft owned, leased, and/or operated by Operator. If Operator provides aircraft maintenance on other aircraft, Operator shall meet the minimum standards for an Aircraft Maintenance Operator.

### **SCOPE OF SERVICE**

**Aircraft** – The Operator shall have available for use in flight training, either owned or under written lease to the Operator, at least two (2) certificated and currently airworthy aircraft appropriate to the flight training to be conducted.

**Licenses & Certifications** – The Operator shall conduct the flight school activities under FAR Part 61 or Part 141. If the Operator is a FAR Part 141 approved flight school, the Operator shall provide and display evidence of such FAA certification.

**Operating Hours** – The Operator shall have its premises open and services available to meet the public demand for this category at least eight (8) hours per day, five (5) days each week.

**Personnel** – The Operator shall have in its employ sufficient flight and ground instructors who meet the standards expressed under FAR Part 91 or Part 141 for the contemplated operation. If renting aircraft, the Operator shall have in its employ a person or persons having current flight instructor ratings for the contemplated operation.

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

### **SCOPE OF SERVICE (cont.)**

The Operator shall provide at least one employee in the facility office at all times during the required operating hours.

### **FEES**

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

### **FLIGHT SCHOOL SECURITY**

The Operator shall comply with Department of Homeland Security (DHS), Transportation Security Administration (TSA), and, as appropriate, local flight school security and pilot background check requirements.

## INSURANCE

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

Disclosure Requirement: Any Operator conducting Aircraft rental, sales, or Flight Training shall post a notice and incorporate within the rental and instruction agreements the coverage and limits provided to the renter or student by Operator, as well as a statement advising that additional coverage is available to such renter or student through the purchase of an individual non-ownership liability policy.

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

#### **PART 3-G AIRCRAFT SALES**

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*An **Aircraft Sales Facility** Operator is an entity engaged in the sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

#### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall provide, lease or sublease at least 1,000 square feet of shop/office space from which sales activities can be performed. The Operator shall further provide, lease or sublease a paved area with adequate tie-down facilities to park four (4) aircraft, with paved access to the taxiway system.

Note: Operators leasing space in a multi-tenant facility are exempt from these requirements.

## SCOPE OF SERVICE

**Aircraft** – The Operator shall provide, or have available with advance notice, aircraft of each model offered for sale, for the purpose of demonstration.

**Operating Hours** – The Operator shall have its services available to meet the public demand for this category.

**Personnel** – The Operator shall employ, or have available on call, a sufficient number of pilots with ratings appropriate to the operational requirements of the aircraft being sold. The Operator shall provide at least one employee in the facility office at all times during the required operating hours.

**Warranty Repairs & Services** - If the Operator is FAA rated to perform warranty repairs and services and has adequate facilities to perform such work, such repairs and services shall be required. Otherwise, the Operator selling aircraft with guarantee or warranty assurances shall be obligated to arrange for proper repair and service of those aircraft.

## FEES

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City Council resolution.

### Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

## INSURANCE

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

## Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities

### PART 3-H SPECIALIZED AVIATION SERVICE OPERATOR (SASO)

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*A “SASO” is an Operator engaged in providing one or more of the commercial aeronautical activities defined in Parts 3-B through 3-G, including, but not limited to the following, additional specialized services:*

***Limited Aircraft Services and Support*** – defined as limited engine or accessory support, e.g., washing, detailing, painting, upholstery, magneto repairs, propeller repair and balancing, etc., or other miscellaneous activities directly related to aircraft services and support. *Mobile Limited Aircraft Services and Support Operator will not be required to sublease space or facilities; however, written approval from each FBO where the Operator intends to operate is required. If only one FBO provides such approval, mobile operations will be limited to that FBO’s leasehold only. Each FBO granting such approval is entitled to charge a concession or access fee in lieu of rent, and in compensation for access to leasehold property improved at the risk and expense of the FBO.*

***Commercial Activity Support*** – defined as ground school, simulator training, charter flight coordinators, aircrew or aviation management or any other miscellaneous activities directly related to supporting or providing support services for a commercial activity.

***Air Transportation Services for Hire*** – defined as non-stop sightseeing flights (airplane or helicopter flights that begin and end at Livermore Airport and are conducted within 25

*statute miles of Livermore; aerial photography or survey; fire fighting; power line, underground cable or pipeline patrol; banner towing, crop dusting or any other miscellaneous activities directly related to air transportation service for hire (for example, helicopter operations in construction or repair work).*

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**In addition to the general requirements in Part 2, the following minimum requirements must be met:**

### **GROUND SPACE, FACILITIES AND ACCOMMODATIONS**

The Operator shall sublease at least 1,000 square feet of shop/office space dedicated to its sole use and adequate for its operation from an FBO or other tenant under lease with the City of Livermore. The Operator shall provide sufficient automobile parking spaces dedicated for its customers use.

Note: Operators leasing space in a multi-tenant facility are exempt from these requirements.

### **SCOPE OF SERVICE**

**Aircraft** – When required by the nature of its operation, the Operator shall provide and have based on its leasehold, either owned or under written lease to lessee, at least one airworthy aircraft, meeting all FAA requirements and applicable regulations of the State of California with respect to the type of activity performed.

#### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

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### **PART 3-H SPECIALIZED AVIATION SERVICE OPERATOR (SASO)**

**Page 2**

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### **SCOPE OF SERVICE (cont.)**

**Personnel** – The Operator shall employ a sufficient number of properly licensed and certified personnel to safely carry out the activity and meet the demand of the public for the services provided. The Operator shall provide at least one employee in the facility office at all times during the required operating hours.

**Environmental** – If applicable through the nature of its operation, the Operator must comply with the requirements of the City's Hazardous Materials Permit.

**Licenses & Certifications** – The Operator shall have and provide evidence of all Federal, State and local certificates, permits, etc., required for the activity.

**Operating Hours** – The Operator shall have its services available to meet the public demand for this category.

### **FEES**

The Operator may be subject to payment of an annual Commercial Aviation Permit fee, which is due July 1 of every year. Permit fees and other charges are applicable in the Airport Rates and Charges schedule, as revised from time to time and approved by City

Council resolution.

## **INSURANCE**

Refer to Part 4-B “Insurance for Commercial Aeronautical Activities.”

(Depending upon the specific activities of the Operator, certain coverage requirements may not apply and may be waived, in writing, by the City’s Risk Manager.)

### **Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 4-A     INSURANCE FOR FIXED BASE OPERATORS**

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**In addition to the general requirements in Part 2 and Part 3-A, the following minimum requirements must be met:**

Operator shall procure and maintain for the duration of the ground lease, sublease, or occupancy of the leased premises insurance against claims for injuries to persons or damage to property which may arise from, or in connection with the Operator’s operation, use of the Premises or this Lease, which shall be acceptable to the City’s Risk Manager. The cost of such insurance shall be borne by the Operator.

a.     Minimum Scope of Insurance

Coverage shall be at least as broad as:

- (1)     Insurance Services Office Commercial General Liability coverage (“occurrence” form CG 0001).
- (2)     Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
- (3)     Worker’s Compensation Insurance as required by the State of California and Employer’s Liability Insurance.
- (4)     Property Insurance against all risks of loss to any tenant improvements or betterments, including flood and earthquake, if such are available at a reasonable cost, as determined by the Risk Manager.

b.     Minimum Limits of Insurance

Operator shall maintain limits no less than:

- (1) General Liability: \$5,000,000 (\$25,000,000 if Full Service FBO or self-fueling permit holder) per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Coverage shall include but not be limited to: blanket contractual; products/completed operations; hangarkeepers liability, and broad form property damage.
- (2) Automobile Liability: \$1,000,000 per occurrence for bodily injury and property damage.
- (3) Employer's Liability: \$1,000,000 per occurrence for bodily injury or disease.
- (4) Property Insurance: Full replacement cost with no coinsurance penalty provision.

c. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions or sub limits must be declared to and approved by the City's Risk Manager.

d. Other Insurance Provision

The general liability policy is to contain, or be endorsed to contain, the following provisions:

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

**PART 4-A INSURANCE FOR FIXED BASE OPERATORS**

**Page 2**

d. Other Insurance Provision (cont.)

- (1) The City of Livermore, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of Premises owned, occupied or used by the Operator. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, agents or volunteers.
- (2) The Operator's insurance coverage shall be primary insurance as respects the City of Livermore, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City of Livermore, its officers, officials, employees, agents or volunteers shall be excess of the Operator's insurance and shall not contribute with it.
- (3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Livermore, its officers, officials, employees, agents or volunteers.
- (4) Coverage shall state that the Operator's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- (5) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Livermore by the carrier.

- e. Acceptability of Insurers  
Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, licensed to do business in California.
- f. Verification of Coverage  
Operator shall furnish a copy of these requirements to Operator's insurance agent. The agent shall furnish the City's Risk Manager with Certificate(s) of Insurance and original endorsements evidencing coverage required by this clause. By sending the requisite documents, the agent is certifying the Operator maintains the appropriate coverage. The documents are to be signed by a person authorized by that insurer to bind coverage and endorse policies on its behalf. All documents are to be received and approved by the City of Livermore before Operator takes possession, or begins work on the Premises. The City of Livermore may for any reason require the Operator to provide complete, certified copies of all required insurance policies affecting the coverage required by these specifications. The Operator, or its insurance agent, shall furnish the City with evidence of insurance 30 days prior to expiration of the current certificate(s), and direct those to:

City of Livermore  
Risk Manager  
1052 S. Livermore Avenue  
Livermore, CA 94550

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

#### **PART 4-B INSURANCE FOR COMMERCIAL AERONAUTICAL ACTIVITIES**

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**In addition to the general requirements in Part 2 and Part 3-B through 3-H, the following minimum requirements must be met:**

Operator shall procure and maintain for the duration of the ground lease, sublease, or occupancy of the leased premises insurance against claims for injuries to persons or damage to property which may arise from, or in connection with the Operator's operation, use of the Premises or this Lease, which shall be acceptable to the City's Risk Manager. The cost of such insurance shall be borne by the Operator.

- a. Minimum Scope of Insurance  
Coverage shall be at least as broad as:
- (1) Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001).
  - (2) Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
  - (3) Worker's Compensation Insurance as required by the State of California and Employer's Liability Insurance.
  - (4) Property Insurance against all risks of loss to any tenant improvements or betterments, including flood and earthquake, if such are available at a reasonable cost, as determined by the Risk Manager.
- b. Minimum Limits of Insurance  
Operator shall maintain limits no less than:
- (1) General Liability: \$1,000,000 per occurrence for bodily injury, personal injury

and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Coverage shall include but not be limited to: blanket contractual; products/completed operations; hangarkeepers liability, and broad form property damage.

- (2) Automobile Liability: \$1,000,000 per occurrence for bodily injury and property damage.
- (3) Employer's Liability: \$1,000,000 per occurrence for bodily injury or disease.
- (4) Property Insurance: Full replacement cost with no coinsurance penalty provision.

c. Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions or sub limits must be declared to and approved by the City's Risk Manager.

d. Other Insurance Provision

The general liability policy is to contain, or be endorsed to contain, the following provisions:

**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

**PART 4-B INSURANCE FOR COMMERCIAL AERONAUTICAL ACTIVITIES**

**Page 2**

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d. Other Insurance Provision (cont.)

- (1) The City of Livermore, its officers, officials, employees, agents and volunteers are to be covered as additional insureds as respects: liability arising out of Premises owned, occupied or used by the Operator. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, agents or volunteers.
- (2) The Operator's insurance coverage shall be primary insurance as respects the City of Livermore, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City of Livermore, its officers, officials, employees, agents or volunteers shall be excess of the Operator's insurance and shall not contribute with it.
- (3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City of Livermore, its officers, officials, employees, agents or volunteers.
- (4) Coverage shall state that the Operator's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- (5) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City of Livermore by the carrier.

e. Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less

than A:VII, licensed to do business in California.

f. Verification of Coverage

Operator shall furnish a copy of these requirements to Operator's insurance agent. The agent shall furnish the City's Risk Manager with Certificate(s) of Insurance and original endorsements evidencing coverage required by this clause. By sending the requisite documents, the agent is certifying the Operator maintains the appropriate coverage. The documents are to be signed by a person authorized by that insurer to bind coverage and endorse policies on its behalf. All documents are to be received and approved by the City of Livermore before Operator takes possession, or begins work on the Premises. The City of Livermore may for any reason require the Operator to provide complete, certified copies of all required insurance policies affecting the coverage required by these specifications. The Operator, or its insurance agent, shall furnish the City with evidence of insurance 30 days prior to expiration of the current certificate(s), and direct those to:

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Risk Manager  
1052 S. Livermore Avenue  
Livermore, CA 94550

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## **PART 5 APPLICATION FOR COMMERCIAL AERONAUTICAL ACTIVITIES**

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*Applications to perform any commercial aeronautical activities shall be in writing by using this form and filed with the Airport Manager. The application must demonstrate compliance with Part 2 and the specific requirements under Part 3-A through H and must contain the following information listed below.*

***Business Plan:** All prospective FBO Operators who intend to dispense fuel pursuant to these Minimum Standards must submit, in addition to this application, a detailed Business Plan that clearly demonstrates the economic viability of the proposed activity, including any information necessary to demonstrate that fuel sales projections will be incremental new business to the Airport rather than a dilution of the market share from existing, approved FBO Operators. The Business Plan will be subject to approval by the Airport Manager, who will consider the economic vitality of the existing Airport tenants as well as the volume of the existing fuel market in the context of the appropriate number of fuel vendors.*

*Space has been provided for response to each question. In many cases, it may be necessary to attach the requested information. If so, please indicated as "See attached – Exhibit \_\_\_\_." Care should be taken in preparing this application as any incomplete or incorrect information may delay the processing of the application.*

***PLEASE NOTE:** Consistent with applicable law, any financial information you submit may be confidential. If you wish to request that the financial information you submit be kept confidential, you must submit such information in a separate attached exhibit so indicated. Other information submitted as part of this Application will be made available to the public upon request.*

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**1. Basic Business Information**

Name of Business: \_\_\_\_\_

Airport Location: \_\_\_\_\_

\_\_\_\_\_  
(Provide copy of sublease & drawings describing facilities and auto parking areas.)

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

Type of Business  
Services offered: \_\_\_\_\_

Commencement Date: \_\_\_\_\_

Days per Week and Hours of Operation: \_\_\_\_\_  
**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

**PART 5 APPLICATION FOR COMMERCIAL AERONAUTICAL ACTIVITIES Page 2**

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Principal Owners: \_\_\_\_\_

\_\_\_\_\_  
Key Personnel and Titles: \_\_\_\_\_

**2. Certifications and Experience**

Describe past experience in the specified aviation services for which application is made:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe experience data on key personnel, or submit resumes as separate attachments:

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List all applicable local, state, and/or federal certifications and licenses currently held or to be obtained; include copies:

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**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

**PART 5 APPLICATION FOR COMMERCIAL AERONAUTICAL ACTIVITIES Page 3**

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If applicable, describe the number of aircraft to be utilized including makes, models, seating capacity and N-numbers and copies of any applicable FAA operating certificates:

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**3. Market and Financial Information**

Provide a full description of the nature of the proposed operation. Include all services to be provided, number of persons to be employed, any expansion plans, etc.:

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Provide a statement of need for your proposed operation at the Livermore Municipal Airport:

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**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

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**PART 5 APPLICATION FOR COMMERCIAL AERONAUTICAL ACTIVITIES Page 4**

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Provide a written confirmation of account status and history from your bank, and include a phone number of a bank representative so that the information can be verified:

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**PLEASE NOTE:** The City reserves the right to ask for additional financial and market information in order to determine whether the Operator is reasonably fit, willing and able to discharge its economic obligations to the Airport community. Examples of additional information include, but are not limited to market analysis, cash flow, profit and loss projections, financial statements prepared by a Certified Public Accountant, credit reports on the business or each party owning or having a financial interest in the business.

**4. Insurance and Other Information**

List all types and amounts of insurance coverage to be maintained for the proposed operation. Include a copy of your certificate of insurance listing the City of Livermore as additional insured and reflecting at least the minimum liability coverages for your proposed operation as required in accordance with Part 4-A or B:

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If the proposed operation includes rental, sales or flight training, provide a copy of your student/renter insurance disclosure notice as well as evidence that the same notice has been incorporated in any rental agreements:

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**Livermore Municipal Airport - Minimum Standards for Commercial Aeronautical Activities**

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**PART 5 APPLICATION FOR COMMERCIAL AERONAUTICAL ACTIVITIES Page 5**

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The applicants hereby respectfully request that the City of Livermore consider the foregoing application for permission to perform the specified aeronautical activities at Livermore Municipal Airport by the following date: \_\_\_\_\_

To be acknowledged and signed by each principal owner. (I.e., President, General Partner, CEO, CFO, Chairman, Secretary, Treasures, etc.)

Completed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Signed by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

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**For City Use Only**

Initials / Date

Risk Manager \_\_\_\_\_ / \_\_\_\_\_

Finance Director \_\_\_\_\_ / \_\_\_\_\_  
(if applicable)

**Approvals**

Initials / Date

Public Works Director \_\_\_\_\_ / \_\_\_\_\_

Airport Manager \_\_\_\_\_ / \_\_\_\_\_

Reviewed by Airport Advisory Commission: (if applicable) \_\_\_\_\_ Fee paid on: \_\_\_\_\_ (if applicable)