

**CHAPTER 476. MINIMUM STANDARDS FOR CONDUCTING FIXED
BASE OPERATIONS AT COMMONWEALTH-OWNED AIRPORTS****GENERAL**

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Authority

The provisions of this Chapter 476 issued under the Aviation Code, 74 Pa.C.S. §§ 5301(a) and 5903(a)(7), unless otherwise noted.

Source

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476-1

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GENERAL**§ 476.1. Purpose.**

This chapter sets forth the minimum standards for conducting fixed base operations at Commonwealth-owned airports.

§ 476.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AVGAS—Aviation gasoline used in propeller-driven piston aircraft.

Apron—A defined area on an airport intended to accommodate aircraft for purposes of loading or unloading passengers or cargo, refueling, parking or maintenance.

Bureau—The Bureau of Aviation of the Department.

Code—74 Pa.C.S. Part III (relating to the Aviation Code).

Department—The Department of Transportation of the Commonwealth.

Director—The Director of the Bureau.

FAA—The Federal Aviation Administration.

FBO—fixed base operator—A commercial enterprise that has entered into a lease agreement with the Department to provide services which may include the following:

- (i) Aircraft fueling and oil dispensing.
- (ii) Aircraft, parking, tie-down and hangar storage.
- (iii) Airframe, power plant and accessory service.
- (iv) Radio and instrument service.
- (v) Air charter and flight instruction for airport users.
- (vi) Ground services.

Ground services—Services provided by the FBO including:

- (i) Aircraft towing.
- (ii) Baggage handling.
- (iii) Deicing—glycol.
- (iv) Power starts—A. C. and D. C.
- (v) Air start.
- (vi) Lavatory service.
- (vii) Potable water.
- (viii) Aircraft cleaning—interior and exterior.
- (ix) Cabin supplies.

NFPA—National Fire Protection Agency.

Taxi-out—The movement of an airplane, under its own power, from its fixed position at an apron or parking position to the runway.

Tie-down—Securing of an aircraft by binding anchors or ropes or other similar methods.

User—An airport customer who desires to utilize a service offered by an FBO.

Unairworthy aircraft—An aircraft that does not meet its FAA type certification or is in a condition that is unsafe for operation in the air, and is not under the care and control of an FBO for maintenance.

ELIGIBILITY REQUIREMENTS AND CRITERIA

§ 476.11. Minimum facilities—Harrisburg International Airport.

The following are the criteria for the minimum facilities an FBO shall provide for the Harrisburg International Airport:

(1) *Aircraft parking—paved apron*. The FBO shall provide a minimum of 50,000 square feet to accommodate aircraft parking and tie-downs, with taxi-out capability including sufficient taxi clearances.

(2) *Automobile parking*. The FBO shall provide 10,000 square feet of space for automobile parking.

(3) *Buildings*. The FBO shall provide a lounge, public restrooms, training and flight planning offices of at least 2,000 square feet, and a hangar of at least 10,000 square feet. The hangar shall be used for aircraft maintenance and storage and have aircraft door openings of at least 60 feet in width and at least 17 feet in height.

(4) *Fuel service*. The FBO shall provide fuel for one grade of AVGAS in addition to appropriate jet fuel. Fuel storage tanks, equipment and personnel shall comply with applicable Federal, State and local regulations.

§ 476.12. Minimum facilities—Capital City Airport.

The following are the criteria for the minimum facilities an FBO shall provide for the Capital City Airport:

(1) *Aircraft parking—paved apron*. The FBO shall provide a minimum of 40,000 square feet to accommodate aircraft parking and tie-downs, with taxi-out capability including sufficient taxi clearances.

(2) *Automobile parking*. The FBO shall provide 10,000 square feet of space for automobile parking.

(3) *Buildings*. The FBO shall provide a lounge, public restrooms, training and flight planning offices of at least 2,000 square feet, and a hangar of at least 10,000 square feet. The hangar shall be used for aircraft maintenance and storage and have aircraft door openings of at least 60 feet in width and at least 17 feet in height.

(4) *Fuel service*. The FBO shall provide fuel for one grade of AVGAS in addition to appropriate jet fuel. Fuel storage tanks, equipment and personnel shall comply with applicable Federal, State and local regulations.

§ 476.13. Mandatory services.

(a) *Primary services.* The FBO shall provide aircraft fueling and oil dispensing services as set forth in § 476.14 (relating to aircraft fueling and oil dispensing services), and aircraft parking, tie-down and hangar storage services as set forth in § 476.15 (relating to aircraft parking, tie-down and hangar storage services).

(b) *Secondary services.* In addition to the services set forth in subsection (a), the FBO shall provide two of the following services:

- (1) Airframe, power plant and accessory services as set forth in § 476.16 (relating to airframe, power plant and accessory services).
- (2) Radio and instrument services as set forth in § 476.17 (relating to radio and instrument services).
- (3) Air taxi and charter services as set forth in § 476.18 (relating to air taxi and charter services).
- (4) Flight training services as set forth in § 476.19 (relating to flight training services).
- (5) Ground handling support services as set forth in § 476.20 (relating to ground handling support services).

§ 476.14. Aircraft fueling and oil dispensing services.

The minimum requirements for aircraft fueling and oil dispensing services are as follows:

- (1) *Compliance with applicable regulations.* Fuel storage and handling, including the storage and handling of hazardous materials, shall be in compliance with applicable Federal, State and local regulations.
- (2) *Fuel products.* The FBO shall provide into-plane retail delivery of an industry standard or recognized brand of aviation fuel product required in the operation of all types of aircraft normally frequenting the airport facility. Pumps for dispensing the fuel shall be provided at a location accessible to airport customers. The FBO shall make mobile fuelers available and accessible at all times to ensure that the same grades of fuel are dispensed at any point at the airport facility as may be required to accommodate the needs of other lessees or the general public.
- (3) *Fueling facilities—storage area.* The requirements for storage area fueling facilities are as follows:
 - (i) The area shall be clearly defined and located away from the aircraft parking area.
 - (ii) Tank filler caps shall be kept locked to avoid the possibility of contamination or sabotage.
 - (iii) Fillers and pumps shall be color coded and placarded as to octane or fuel grade, or both.

(iv) Electrical grounding/bonding shall be provided for refueling operations.

(v) Fuel hoses and nozzles shall be stored in a clean, sheltered area or protected in some manner from the elements and contaminants.

(vi) Fuel shall be filtered. A regular inspection of the filters shall be conducted in accordance with the most current FAA Advisory Circular entitled, "Aircraft Fuel Storage, Handling and Dispensing on Airports" or NFPA Part 407, "Aircraft Fuel Service," or both. Written records of filter inspections shall be kept on file with the FBO for 1 year and shall be available for review by the Department upon request.

(vii) Fuel tanks shall be checked daily, or prior to the first refueling of the day, for water and contamination. A written record of these inspections shall be kept on file with the FBO for 1 year and shall be available for review by the Department upon request.

(4) *Fueling facilities—mobile fuelers.* The minimum requirements for mobile fueler fueling facilities are as follows:

(i) A truck shall be provided with sufficient capacity to refuel the largest general aviation aircraft likely to be serviced for AVGAS and jet fuel.

(ii) The truck shall be clearly marked and labeled to indicate types and grades of fuel dispensed.

(iii) The truck shall be equipped with adequate and appropriate filling devices, meters and grounding/bonding cables.

(iv) A regular inspection of the filters shall be conducted in accordance with FAA Advisory Circular entitled, "Aircraft Fuel Storage, Handling, and Dispensing on Airports" or NFPA 407 "Aircraft Fuel Servicing," or both. Written records of filter inspections shall be kept on file with the FBO for 1 year and shall be available for review by the Department upon request.

(v) Contamination separation devices shall be checked daily, or prior to the first fueling of the day, for water and contamination. Written records of these inspections shall be kept on file with the FBO for 1 year and shall be available for review by the Department upon request.

(5) *Fueling procedures.* Fueling procedures shall conform to recommendations and standards in the most current FAA Advisory Circular entitled, "Aircraft Ground Handling and Servicing."

(6) *Aircraft service equipment.* Energizers, standard starting equipment (A. C. and D. C.), oxygen, appropriate fire extinguishers, fueling equipment and deicing equipment shall be provided.

(7) *Personnel.* Ramp service personnel trained and qualified in accordance with applicable FAA regulations shall be available during hours of fuel dispensing.

(8) *Hours of operation.* Fueling and oil dispensing services shall be available as follows:

- (i) *Harrisburg International Airport.* Fueling and oil dispensing shall be available from 24 hours-a-day, 7 days-a-week.
- (ii) *Capital City Airport.* Fueling and oil dispensing shall be available from 6 a.m. to 10 p.m., 7 days a week.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.15. Aircraft parking, tie-down and hangar storage services.

The minimum requirements for aircraft parking, tie-down and hangar storage are as follows:

- (1) *Ramp area.*
 - (i) The FBO shall provide taxi lines to refuel. Tie-down and hangar areas shall be provided for directional convenience and safety of transient and local based customer aircraft.
 - (ii) FBO facilities shall comply with the most current FAA Advisory Circular entitled, "Aircraft Ground Handling and Servicing."
 - (iii) The parking of unairworthy aircraft is not permitted. The Director or a designee will determine if an aircraft is unairworthy.
 - (iv) The FBO is responsible for providing taxi pavement marking lines and marking for parking transient aircraft upon its leased ramp area. Entrance guidance signs or pavement markings from adjoining taxiway, or both, shall be the responsibility of the airport management.
- (2) *Tie-down aircraft.* The securing of an aircraft by means of anchors or ropes shall be conducted as set forth in the most current FAA Advisory Circular entitled, "Tie-Down Sense."
- (3) *Hangar storage—aircraft maintenance and storage.*
 - (i) Sufficient hangar storage space shall be provided for transient and local based customer aircraft. This space shall be heated and shall have fire extinguishers. Employees shall be trained in the use of the fire extinguisher.
 - (ii) Equipment shall be available for moving aircraft such as two tugs with tow bar attachments to fit general aviation aircraft.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.16. Airframe, power plant and accessory services.

The minimum requirements for airframe, power plant and accessory services are as follows:

- (1) *General.* The FBO shall provide comprehensive maintenance services.

(2) *Equipment.* Sufficient equipment, supplies and parts shall be provided to perform services in accordance with the manufacturer's recommendations or the equivalent thereof.

(3) *Personnel.* Mechanics holding proper FAA certification, along with other personnel—trained in accordance with applicable FAA regulations—as may be required, shall be available to perform maintenance services.

(4) *Hours of operation.* The minimum operating hours shall be from 8 a.m. to 4 p.m., Monday through Friday. At other times, an FAA-certified mechanic or Federal Communications Commission licensed specialist, or both, shall be on call and available to respond to emergency customer service requests.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.17. Radio and instrument services.

The minimum requirements for radio and instrument services are as follows:

(1) *Personnel.* Personnel trained and qualified in accordance with applicable FAA regulations shall be provided.

(2) *Equipment.* Sufficient equipment required to perform needed services shall be available.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.18. Air taxi and charter services.

The minimum requirements for air taxi and charter services are as follows:

(1) *General.* The FBO shall hold a current FAA Air Taxi Commercial Operator's Certificate in accordance with the FAA regulations at 14 CFR Part 135 (relating to air taxi operators and commercial operators).

(2) *Personnel.* An FAA-certified crew shall be available to conduct air taxi services for each aircraft.

(3) *Aircraft.* Aircraft shall comply with the requirements of the Air Taxi Commercial Operator Certificate held. Each operated aircraft shall be owned by or leased to the FBO, evidence of which shall be demonstrated by a title or lease agreement. Leased aircraft shall be under the exclusive control of the FBO. Maintenance of the aircraft shall meet the applicable requirements of 14 CFR Part 135.

(4) *Hours of operation.* Air taxi service shall be offered subject to the availability of personnel and aircraft.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.19. Flight training services.

The minimum requirements for flight training services are as follows:

- (1) *General.* The FBO may engage in flight training. Flight and ground school instruction shall be conducted in conformance with FAA laws and regulations and with recommended standards in advisory circulars applicable to the types of training offered.
- (2) *Personnel.* FAA-certified flight instructors shall be provided.
- (3) *Aircraft.* FAA-certified aircraft shall be utilized and shall be under the exclusive control of the FBO.
- (4) *Operation.* Flight instruction shall be offered when weather permits.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.20. Ground handling support services.

The minimum requirements for ground handling support services are as follows:

- (1) *Personnel.* Personnel trained and qualified in accordance with applicable FAA regulations shall be provided.
- (2) *Equipment.* Sufficient equipment required to perform services shall be available.

Cross References

This section cited in 67 Pa. Code § 476.13 (relating to mandatory services); and 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.21. Optional and special services.

General services or other services not specifically provided for in this section may be conducted by the FBO, subject to application to and approval by the Director. Written terms and conditions for the privilege of engaging in these optional services shall be determined subsequent to application and shall be commensurate with the nature and scope of the services proposed, with consideration given to the availability of facilities capable of supporting the proposed services. Optional services may include:

- (1) Aerial advertising.
- (2) Aerial photography or survey.
- (3) Power line or pipeline patrol.
- (4) Aircraft sales. The FBO may offer for sale to the public new and used aircraft. The FBO shall provide for spare parts and repair service necessary to

meet the warranties for the make and model of aircraft for which sales privileges are granted. The FBO, as a dealer/distributor/broker, may be authorized to represent one or more major aircraft manufacturers.

(5) Other operations not excluded from the FAA regulations at 14 CFR Part 135 (relating to air taxi operators and commercial operators).

Cross References

This section cited in 67 Pa. Code § 476.22 (relating to negotiated services).

§ 476.22. Negotiated services.

The Department reserves the right to negotiate for specific services provided for in §§ 476.14—476.21, as well as other services not specified in this chapter.

§ 476.23. Specific exclusions applicable to FBOs.

(a) *Excluded operations.* The following concessions and their establishments are specifically excluded from the lease of an FBO:

- (1) Ground transportation for hire.
- (2) Barber and valet services.
- (3) Wholesale or retail sale of nonaviation products including food and beverage sales through vending machines and newspapers.
- (4) Automobile gasoline sales.
- (5) Automobile maintenance and repair service for vehicular equipment of the public or other tenants of the airport.

(b) *Activities excluded from Harrisburg International Airport.* Aircraft banner, aircraft glider towing and untethered balloon activities are not permitted at Harrisburg International Airport.

§ 476.24. Application procedure for conducting fixed based operations.

(a) *Request to conduct fixed base operations.* A person desiring to conduct fixed base operations at a Commonwealth-owned airport shall submit an application to the Bureau detailing the applicant's plans to meet the requirements of this chapter and the proposed timetable for meeting these requirements. The Department may request additional information from an applicant if the application does not contain the schematics necessary to meet the requirements of this chapter.

(b) *Response to request application.* The Bureau will submit a written response to the applicant within 30 days of receipt of the application. The Department's decision will be based on the following criteria:

- (1) The applicant demonstrates it can meet the requirements contained in this chapter.
- (2) The applicant demonstrates its ability to comply with applicable Federal, State and local regulations.

(3) The applicant demonstrates the need for additional fixed based operations services to meet the continued growth and development of the airport facility.

(c) *Right to appeal.* If an applicant disagrees with the Bureau's decision, the applicant may elect to exercise appeal rights provided for under § 476.52 (relating to appeal).

§ 476.25. Lease agreements.

(a) *Approval of application.* Once an application to conduct fixed base operations is granted by the Bureau, the FBO and the Department will enter into a lease agreement in accordance with this chapter and other conditions upon which the Department and the FBO may agree.

(b) *Minimum standards.* The standards contained in this chapter are only minimum standards, and the Department reserves the right to impose, by lease agreement, more stringent standards than those in this chapter.

(c) *Questions or issues regarding terms of lease agreement.* If an FBO has a question or issue regarding the lease agreement, the FBO shall submit a written proposal concerning this matter to the Bureau. The Director or a designee will issue a response in writing within 30 days of receipt of the proposal.

(d) *Offering of services.* The FBO may not begin offering services until the lease agreement has been executed by the Department and the Department has received the required legal and fiscal approvals.

§ 476.26. Existing fixed base operating agreements.

(a) *Existing agreement preemption.* Fixed base operating agreements in place as of March 15, 1997, shall preempt the minimum standards in this chapter until those agreements terminate, unless the Department and an FBO agree to amend an agreement to be consistent with these minimum standards.

(b) *Airline operating agreements.* Privileges granted to airlines in accordance with airline operating agreements are excluded from this chapter.

§ 476.27. Compliance inspections.

(a) *Inspection of FBO facilities.* The airport management shall conduct at least one compliance inspection of FBO facilities each year to ensure compliance with this chapter and the lease agreement. Deficiencies detected shall be reported to the FBO in writing within 5 days of completion of the inspection.

(b) *Corrections.* The operator shall make corrections within 24 hours of receipt of the written report and shall provide the Bureau with written notice of completion.

(c) *Proposed schedule of corrections.* For deficiencies requiring more than 24 hours to correct, the FBO shall submit a proposed schedule of corrections to the Bureau for approval. The FBO shall submit the proposed schedule within the time frame designated by airport management in the written report.

(d) *Cancellation of lease agreement.* Failure to make required corrections within the time frame specified by the Bureau will result in cancellation of the FBO's lease agreement.

WAIVER AND APPEAL

§ 476.51. Waiver.

The Department, for good cause, may waive compliance with the criteria or requirements, or both, of this chapter if the waiver is not inconsistent with the code. A waiver is considered granted if the FBO submits a written request to the Director and receives a formal written response granting the request.

§ 476.52. Appeal.

An applicant aggrieved by a decision of the Bureau may appeal by requesting an administrative hearing under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) and Chapter 491 (relating to administrative practice and procedure).

Cross References

This section cited in 67 Pa. Code § 476.24 (relating to application procedure for conducting fixed base operations).

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