

**Comments from Langer Gokey, operator of a based aircraft since 1978, partner in aircraft hangar, and user of self-fueling permit**

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**Introduction**

**General**

**A.** This section A is too broadly written, and, as such, casts a net beyond the intent of these standards. For example, must a charter operator obtain prior written approval before delivering a paying customer to the airport? Must an air ambulance called to pick up a passenger obtain prior written permission?

**I. Definitions**

**A) Aeronautical Activity.** This section is too broadly written. How does the airport have legitimate jurisdiction over a charter flight originating somewhere else, or coming to Minot to pick up a passenger?

*City Council*

*Airport Committee*

*Airport Layout Plan*

**E. Commercial Aeronautical Activity** – Why has a rental relationship between a hangar owner and a tenant been omitted? Was this by omission or commission?

**Section II. Application Requirements**

After item 14, I believe there should be protection against unreasonable and/or unwarranted requests for financial disclosure, and from punitive action by the airport against someone who resists compliance with an unreasonable request. The request must be shown to be germane.

**General Conditions and Requirements**

**A. Non Discrimination**

This section is written too broadly and ambiguously. A commercial operator might want, and you would want him to refuse service to someone judged unworthy for good business reasons. Such examples might be: poor credit history, obvious intoxication, demonstration of criminal intent

**C. Non Exclusive Right**

In this section a big issue is made how fair and open we are seeking to be, yet later we go on to create exclusionary rules. This seems inconsistent and anti-competitive. The airport and the people of Minot will benefit from healthy and fair competition on the airport, and such competition should not be discouraged, whether by accident or intentionally

**H. Hazardous Material and Waste**

This section is too broadly written. In this day and age, nearly every substance has been deemed hazardous in some sense. Even water is hazardous insofar as we can drown in it. The first statement is much too broad. Overly and unrealistically broad language will not protect the airport, because it will not stand up in a court of law.

**Section IV - Action upon Applications**

## **Section V. - Minimum Standards**

What is the point of attempting to specify each and every little detail? Does the airport presume to know what is necessary to run a successful business?

Perhaps instead of setting building and land requirements, a licensing or permitting process could be considered, whereby a person could request to offer a service on the airport, present a business plan indicating how he would do it, and then pay a monthly and activity based fee, such as \$100 per month and 1.5% of his gross. I understand agreements such as these are in use at other airports, and serve competition much better while still protecting the basic business model of the larger operators who have invested in the airport.

Something like this will serve to ensure the larger operators do not abuse their positions by excessively high prices and/or poor service.

### **3. Aerial Application**

There seems to be a conflict between the chemicals allowed by an aerial applicator and section 10 reference to no hazardous materials. One section specifically precludes it, another allows it under the heading Permanent Chemical Storage. Which is to rule?

Under 3-c of this section, it sounds as if an aerial applicator must provide apron and parking for his exclusive use. Is this correct? If so, it is unrealistic unless the intent is to drive all aerial applicators from the airport.

### **4. Air Taxi and Charter Services**

The FAA provides regulations and procedures governing the provision of these services. In what way does the city have jurisdiction?

Again...what makes the city think it has the knowledge to prospectively judge the necessary resources for a successful charter business? It seems we are simply creating a large enough asset barrier to discourage competition. I fail to see how that serves the public interest.

5.

### **6. Air cargo Operations and Handling**

I'm sorry, but this is in such obvious conflict with the provisions for Aerial Application and Air Taxi that its mention is too painful to omit. Why must the two previous categories maintain their own space, while the air cargo operator shall have the right to enter and use the transient ramp? This appears to be a clear example of accommodative and discriminatory treatment. It codifies the current method of doing business for one business type, and excludes two others.

## **B. Multiple Service Operators**

### **6. Commercial Aircraft Storage**

- a. Land
- b. Building

Have we forgotten that Trinity houses its' "ready" pilots in a space configured for their use? Do we need to call Trinity to let them know we're kicking them off the airport? Do we really want to kick them off the airport? How does this serve the public interest to eliminate emergency helicopter service?

## **C. Full service Operator**

**1. Full Line Services.** Are we truly asking an operator to provide services we are unwilling to provide ourselves? That's interesting, isn't it? The city hardly begins to offer these services today.

**3. Aircraft Charter Services.** It's bad policy to dictate to people how to run their businesses. They will determine the appropriate capacity, both with respect to size and capability. To go further in dictating this will encourage cheating.

**5. Specialized aircraft services**

**a. land**

**b. Building** – Again, I believe we are reaching for too much detail. A good operator will want to build whatever is appropriate. Dictating more will ensure failure. In addition, there may be a conflict here between the RFP published by the airport and these minimum standards.

**g. Equipment** Specification of fuel truck size does not make sense. Why is this important?

**Fueling Permits**

1. Permit / Approval – Why is the model based solely on time? Why is there not a per gallon fee structure in place?
2. Fuel Storage – Why must operators have storage on the airport? FAA Transfer regulations are much more stringent than general commercial transfer regulations, and unnecessary cost is introduced.

Can someone please tell me why you do not want to allow fuel for self-fueling purposes to come from off-airport storage? Is it a revenue issue? If it is then why not charge a fee based on something measurable, for example, if my truck holds 2000 gallons, and you want \$.02 per gallons, charge me \$40.00 each time I bring it on the airport...assuming I'm smart enough to bring it on full each time?

**Penalty for Non-Compliance with Minimum standards**

**Indemnity and Insurance**