



Santa Barbara Municipal Airport
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Santa Barbara, California 93117
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Comment Compilation and Response

City of Santa Barbara
*Santa Barbara Municipal Airport
Minimum Standards*

June 9, 2022

COMMENT COMPILATION AND RESPONSE

This report conveys public/stakeholder comments and the related Airport staff responses regarding a draft update of the Minimum Standards for Santa Barbara Municipal (Airport). The City of Santa Barbara (City) believes that the update of the 2017 Minimum Standards is consistent with best management practices, and necessary to ensure compliance with Federal Aviation Administration (FAA) Airport Sponsor Assurances and the successful management of commercial general aviation activities at the Airport.

By way of background, when an airport sponsor (in this case, the City of Santa Barbara) obtains a grant for airport improvements under the Airport Improvement Program, the airport sponsor is required to give certain assurances to the FAA known as the Airport Sponsor Assurances. Airport Sponsor Assurance #22, *Economic Nondiscrimination*, states “The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.”

Within this context, it is the desire of the City to update the Airport’s 2017 Minimum Standards to:

- 1) ensure the safe, orderly, and efficient operation and use of the Airport;
- 2) promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services; and
- 3) address the level and quality of commercial general aviation aeronautical services provided at the Airport.

Beyond being consistent with FAA policies and directives, the City believes that these objectives are consistent with best management practices. It is not the desire or the intent of the City to create an undue burden on existing or future operators, tenants, consumers, or users of the Airport, but to level the playing field for all commercial operators to ensure fair and not unjustly discriminatory standards. In AC 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*, the FAA highly recommends the “use and implementation” of minimum standards “as a means to minimize the potential for violations of federal obligations at federally obligated airports.”

The AC states that “The FAA objective in recommending the development of minimum standards serves to promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for all airport users, promote the orderly development of airport land, and ensure efficiency of operations.”

The AC also suggests that “airport sponsor (in this case the City) establish reasonable minimum standards that are relevant to the proposed aeronautical activity with the goal of protecting the level and quality of services offered to the public.”

It is significant to note the AC also states that “The airport sponsor’s purpose in imposing standards is to ensure a safe, efficient and adequate level of operations and services is offered to the public” and the standards should be “relevant to the proposed aeronautical activity with the goal of protecting the level and quality of services offered to the public.” The FAA specifically indicates, in multiple instances throughout the AC, that an airport sponsor should develop minimum standards to address the level and quality of general aviation aeronautical services provided at an airport.

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Several documents provide the foundation for the development and implementation of Minimum Standards including FAA Airport Sponsor Assurances, AC 150-5190-6 Exclusive Rights at Federally Obligated Airports, AC 150/5190-7 Minimum Standards for Commercial Aeronautical Activities, and Order 5190.6B Airport Compliance Manual. All interested parties are encouraged to thoroughly review and carefully consider each of these documents and to view these draft Minimum Standards in totality.

The draft Minimum Standards were made available to the public for review and comment over a 32-day period beginning Friday, December 3, 2021 and ending on Monday, January 3, 2022. The City requested that those participating in the review and comment provide specific reasons and alternative language and/or deletions for any proposed changes to the document.

Attached is a compilation of the sixty-six comments submitted. All comments have been reviewed and addressed in this document. Each comment is represented by a “C” and the response to the comment is represented by an “R”. The numbering is utilized only as a method to identify and organize comments and responses.

Also, if the response to a comment includes the deletion of language from the draft document, that language has been identified using **strikethrough**, and when the response includes the addition of language, that language has been identified using **red type**. Any language provided in the response in *italics* is taken verbatim from the draft document.

The City wishes to thank all stakeholders and member of the public who took the time to review the draft document and especially the individuals who provided detailed comments for consideration.

Adam Williams (AOPA)	
C1	Section #: Article 10 Page #: 44 Comment: The draft minimum standards recognize the non-commercial status of flying clubs and expressly permit flight instruction within the club pursuant to current FAA guidance. While the draft standards don't specify any fee amounts, we note the list of "Significant Proposed Changes" includes a fee of \$100 per flying club member, up to \$2000 annually. We understand there may be some costs incurred by City staff to process and maintain documents and ensure the flying club is in compliance. However, we don't understand how the City arrived at these amounts since the number of names on the roster has apparently no bearing on the cost of handling the documents. Every airport in the United States with a flying club is subject to the same FAA guidance, yet SBA is the only airport known to AOPA to charge such a permitting fee. It is our belief that the fee places an undue burden on the flying clubs, is unreasonable and must be removed.
R1	Comment noted. No specific alternative language or deletions provided. Proposed rates and fees for flying clubs are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees, and intends to establish a permitting fee that would be based on recovery of the anticipated administrative costs associated with monitoring compliance by flying clubs on the airfield. The City is obligated to ensure that flying clubs comply with FAA policies and do not hold themselves out as flight schools or businesses offering services to the public. The "Significant Proposed Changes" referenced in this comment refers to a PowerPoint presentation given during the 12/2/21 Stakeholder Engagement Meeting. They are not referenced in the draft Minimum Standards. As such, a change was not deemed necessary.
C2	Section #: Article 8 Page #: 38 Comment: Santa Barbara Municipal Airport enjoys a vibrant general aviation tenant population with over 110 piston-engine and 25 jet-engine aircraft. Airports with similar size and population of GA aircraft

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	<p>profitably support several flight schools and aviation maintenance facilities, in addition to independent operators. Auburn Municipal Airport (AUN) reports 104 based aircraft and has 4 flight schools and 3 maintenance facilities. (See AUN details at this link.) The General Aviation industry weathered the COVID pandemic far better than other industries and is growing to meet the strong demand for pilot training and aircraft maintenance. Article 8 creates a provision for independent operators to provide services which are not reasonably available from an existing commercial operator at the airport. We believe the demand for flight training and aircraft maintenance at Santa Barbara exceeds the capacity of existing service providers.</p> <p>The City intends to require advanced permission before a service from an Independent Operator can be provided. We believe more flexibility is needed if the needs of SBA tenants are to be reasonably met. Pilots need to meet certain flight training requirements by specific deadlines regardless of variables including weather, illness, or equipment issues, which can cause cancellations of scheduled flight training events. Pilots also need to respond quickly to unforeseen maintenance and repairs to keep their aircraft airworthy.</p> <p>These minimum standards may complicate, delay, or prevent the tenants from obtaining required training or aircraft maintenance for their aircraft. AOPA recommends the airport administration consult closely with the local aircraft owners to develop a more flexible and responsive policy to meet their needs. AOPA also recommends including language in the opening paragraph of Article 8 which describes the sponsor’s acknowledgement of the unmet training and maintenance needs of SBA pilots and outlines its intention to approve permits for independent operators. The minimum standards could allow a permit to be obtained after a training or maintenance event occurred which would ensure pilots and aircraft are able to keep flying when unplanned training or maintenance becomes necessary.</p>
R2	<p>Comment noted. No specific alternative language or deletions provided. The City requires all commercial operators, including Independent Operators, to conform with the requirements of the Minimum Standards prior to conducting commercial aeronautical activity on the Airport. Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.</p>
C3	<p>Section #: 8-1 and 8-3 Page #: 39 and 41 Comment: These sections impose very specific and burdensome administrative requirements on each type of independent operator. AOPA engages with hundreds of public use airports which allow independent operators across the nation, and we have not seen this level of prescriptive administrative control included in other Minimum Standard requirements documents. The tone and tenor of these 2 sections appear to cater specifically to the interests of existing Fixed Place of Business commercial operators at SBA and leads the reader to assume that obtaining an Independent Operator permit may be difficult or impossible. As previously mentioned above, AOPA recommends including language in Article 8 which describes the sponsor’s intention to approve permits for independent operators.</p>
R3	<p>Comment noted. No specific alternative language provided. It is the City’s intention to approve Independent Operators who comply with the requirements set forth in the Minimum Standards. Independent Operators are required to enter into a written agreement or permit with the City prior to conducting commercial aeronautical activity on the Airport. Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.</p>
C4	<p>General Comment: AOPA staff have visited SBA several times in the last 3 years and we have worked closely with the local pilot community, which includes almost 300 of our members. We are aware of the frequent complaints levied by at least one Fixed Place of Business commercial operator against independent flight instructors and the local flying clubs. We are also aware that the airport administration is currently experiencing a leadership transition. It is our sincere hope that the new airport director inspires a positive culture that allows the growth of the commercial and general aviation businesses at SBA to meet their full potential.</p>
R4	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
John Gardner	
C5	<p>Section #8 -Independent Operators Page #38-42</p>

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	The proposed changes to our MSRs do not reflect a depth of knowledge regarding how operations are conducted by private pilots using their own aircraft in the United States. The community of pilots who use their own aircraft is motivated by a spectrum of interests ranging from a simple love of aviation to an individual’s very real need for personal transport. It is each individual pilot’s responsibility to maintain their personal skill with flight proficiency, and to maintain their own aircraft’s mechanical integrity. A pilot’s choice of instructors and mechanics is based on experience and merit. A poor choice can result in serious risk to personal safety and substantial financial/legal consequences. Best practices are ensured and codified by FAA regulations, not to be hindered by a locally concocted set of MSR constraints designed to mollify a singular, unsubstantiated assertion from one self-interested tenant at SBA.
R5	Comment noted. No specific alternative language or deletions provided. Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.
Vincent Mrstik	
C6	Section #Article 2. Definitions Page #Page 7, Independent Operator Replace definition as follows: “Independent Operator-a Commercial Operator duly authorized to conduct one or more Commercial Aeronautical Activities at the Airport but which does not have a fixed Place of Business on the Airport. ” but is not an employee of another business on the field.” Reason/Comment: There is absolutely no rational reason that an Independent Operator should be forbidden by definition to lease property on the airport. Forbidding an independent operator to rent airport property establishes an uneven playing field and is a clear violation of FAA grant assurance requirements
R6	A commercial operator who desires to lease or sublease land and/or improvements on the Airport is characterized as having a “fixed place of business” and therefore would be required to conform with the Minimum Standard requirements set forth for the type of commercial aeronautical activity contemplated at that location. As such, a change was not deemed necessary.
C7	Section #Article 2. Definitions Page # 7, Lessee Replace definition as follows: “Lessee-an Entity who is granted a privilege in exchange for a payment of funds or other consideration.”Reason/Comment: In FAA documentation it is clear that the term “lessee” is not to be interpreted as requiring the rental of property, but rather an entity granted a privilege.
R7	Comment noted. By common definition, a “lessee” is an entity who holds the lease of a property (or leasehold premises) on the Airport. As such, a change is not deemed necessary.
C8	Section #3-2. Non-Discrimination Page # 9 Comment: Replace paragraph as follows: “Commercial Operators shall conduct all Commercial Aeronautical Activities on a fair, reasonable, and not unjustly discriminatory basis, at fees that are competitive with similar providers at the airport. ” Reason/Comment: The Government must not dictate, nor stand in judgment of, provider fees. Consistent with free market standards, each provider must be free to set fees as he/she desires. Also, the reference to “similar providers” is ambiguous and should be deleted. This is particularly important in the case of independent CFIs and flight schools. These two entities offer significantly different services and thus must not be considered as “similar providers.” Likewise independent and non-independent mechanics must not be assumed to be “similar providers.”
R8	Section 3.2 has been revised as follows: <i>Commercial Operators shall conduct all Commercial Aeronautical Activities on a fair, reasonable, and not unjustly discriminatory basis, at fees that are competitive with similar providers at the Airport.</i>
C9	Section #3-3. Application Page #10, pertaining to documentation for commercial service operators, Paragraph “b” that begins with “The amount of land, office, ...” Comment: The first line of this paragraph should be replaced to read as follows: “The amount of land, office space, and/or aircraft storage areas required, IF ANY, for the operation...”

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	Reason/Comment: It must be explicitly stated that commercial entities are not required to utilize land, office space, etc on the field. Specifically, entities which offer their services without the need to occupy land are welcome.
R9	Section 3.3 paragraph B has been revised as follows: If the applicant intends to lease or sublease land and/or improvements, the The amount of land, office space, and/or aircraft storage areas required for the operation, and the number and type of aircraft to be parked, serviced, or provided (as applicable).
C10	Section #3-8. Airport Security Page # 15 Comment: First sentence of this section should be replaced to read as follows: “Each Commercial Operator WITH A FIXED PLACE OF BUSINES ON THE FIELD and its employees, agents, and contractors, shall:” Reason/Comment: Independent service providers escorted by their sponsors during work are fully in compliance with FAA security requirements. Thus it is not correct to make the blanket statement that all Commercial Operators must satisfy the listed requirements.
R10	Section 3-8 Airport Security has been revised as follows: The following section has been added: f. Display a security identification badge issued by Airport (including but not limited to the AOA and SIDA) at all times while on the Airport. Badge shall be visible and at or above the waist level. The cost to obtain badge, including its replacement, will be paid for by the Commercial Operator. The following paragraph has been deleted: If a Commercial Operator’s Fixed Place of Business is located in a restricted area accessible only to those persons displaying a security identification badge issued by Airport (including but not limited to the AOA and SIDA), each person working on the Fixed Place of Business must wear the badge at all times while on the Airport so that it is visible and at or above the waist level. The cost to obtain badge, including its replacement, will be paid for by the Commercial Operator.
C11	Section #Article 8. Independent Operators Page# 38, first paragraph Comment: Replace first paragraph with the following: “The City recognizes that Airport users have the right to select legitimate providers for training and to service their aircraft regardless of the location of the provider. Users are not compelled to employ a Commercial Operator with a fixed place of business on the airport.” Reason/Comment: Compelling users to employ an onsite commercial operator is a granting of an exclusive right. Such a granting of exclusive rights at a federally assisted airport (such as SBA) is prohibited under federal law. To quote but one of many FAA documents: “The prohibition on the granting of exclusive rights is one of the obligations assumed by the airport sponsors of public airports that have accepted federal assistance...the owner or operator of any airport that has been developed or improved with Federal grant assistance is required to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity and without granting an exclusive right” If the proposed limitation on training and service is left to stand, the city will undoubtedly be faced with two unpleasant events: (1) a violation of the grant assurance provisions-likely resulting in the loss of significant government funds to the city, and (2) pilots and aircraft owners likely bringing suit against the city.
R11	Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.
C12	Section #Article 8. Independent Operators Page # 38, Application Procedure Comment: Replace this entire section (4 paragraphs) with the following: “If an Independent Operator satisfies all applicable Minimum Standards, the Airport Director shall issue upon request a permit to the Independent Operator authorizing it to conduct specified Commercial Aeronautical Activities.”

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	Reason/Comments: The FAA grant assurance requires that all service providers be assured of a level playing field. All potential applicants, be they independent or not independent, must be afforded the same application rights.
R12	See R11
C13	<p>Section #Article 8. Independent Operators Page #38 beginning with the title “Minimum Standards” and continuing through Page 42. Comment: The cited entire verbiage should be replaced with the following: “Minimum Standards-Independent operators shall comply with the applicable parts of the General Requirements set forth in Article 3.”</p> <p>Reason/Comments: The proposed draft MSR encumbers independent operators with excessive requirements and costs beyond those of non-independent operators. These excessive requirements can only be viewed as deterring legitimate independent operators so as to effectively grant exclusive rights to others. As clearly stated in FAA documents: “The granting of an exclusive right for the conduct of any aeronautical activity on a federally-obligated airport is generally regarded as contrary to the requirements of the applicable Federal obligations, whether such exclusive right results from an express agreement, from the imposition of unreasonable standards or requirements,...” There is no basis for imposing additional requirements on independent operators beyond the requirements on non-independent operators.</p>
R13	<p>The comment is understood and appreciated. It is the City’s goal to update the existing Minimum Standards to resolve current inequities and keep general aviation affordable at the same time. We believe that through this open process, the City should take advantage of airport industry best management practices and adopt this updated document to promote competition and create procedures to guide current and future management in decisions that affect all stakeholders.</p> <p>Additionally, the City is required to “make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.” For this purpose, the City is developing reasonable Minimum Standards to ensure tenants and independent commercial aeronautical operators are treated equitably, notwithstanding their dissimilar levels of investment in the Airport. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable and not unjustly discriminatory fees, and intends to establish a permitting fee for independent operators. This proposal is consistent with FAA guidance from Advisory Circular 150/5190-7, <i>Minimum Standards for Commercial Aeronautical Activities</i>: “If individual operators are to be allowed to perform a single-service aeronautical activity on the airport (aircraft washing, maintenance, etc.), the airport sponsor should have a licensing or permitting process in place that provides a level of regulation and compensation satisfactory to the airport. Frequently, a yearly fee or percentage of the gross receipts fee is a satisfactory way of monitoring this type of operation.”</p> <p>Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.</p>
C14	<p>Section # Article 10. Non-Commercial Activities, Section 10-1. Flying Clubs Page #44, Paragraph “c. Permit.” Comment: This section (both paragraphs) should be replaced with the following: “A Flying Club shall obtain from the City a permit to maintain a Flying Club at the airport. The application and issuance of such a permit, as well as continuing obligations, shall be no different from any other “non-profit or not-for-profit Entity (e.g., corporation, association, or partnership) organized for the express purpose of providing its members with aircraft for their personal use and enjoyment only.”</p> <p>Reason/Comment: There is no rational basis for imposing additional fees and burdensome reporting requirements on “flying clubs.”</p>
R14	Comment noted. No specific alternative language or deletions provided. The City is obligated to ensure that flying clubs comply with FAA policies and do not hold themselves out as flight schools or businesses offering services to the public. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. The City intends to establish a permitting process

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	that would be based on recovery of the anticipated administrative costs associated with monitoring compliance by flying clubs on the airfield.
C15	Section # Article 10. Non-Commercial Activities, Section 10-1. Flying Clubs Page #45, Paragraph 3. Comment: Change the text that reads: “or when the instruction is given by an authorized Commercial Operator and...”to read “or when the instruction is given by a lessee based on the airport who provides flight training” Reason/Comment: Since the objective here is to meet FAA requirements, it is best to use the FAA exact language of 5190-6B; there is no reason to deviate.
R15	An “Authorized Commercial Operator” is an Operator who is authorized to provide commercial flight training services on the Airport by the City. A “lessee based on the airport” is vague, overly broad, and could be construed as meaning that any lessee based at the Airport could provide flight instruction to flying club members. As such, a change is not deemed necessary.
C16	Section # Article 10. Non-Commercial Activities, Section 10-1. Flying Clubs Page# 45, Paragraph 4 Comment: The last sentence of the cited paragraph should be removed. Reason/Comment: In keeping with FAA requirements, there is no reason to add verbiage beyond that provided by the FAA. The last sentence is not a part of the FAA requirement. It should be removed. Also, the cited sections “7.2(a),” etc do not exist (Likely typo in draft).
R16	It is the City’s prerogative to require reasonable and not unjustly discriminatory requirements for commercial operators. The City feels that the requirements listed in this paragraph reflect industry best practices and are uniformly required of all aircraft maintenance providers. As such, a change is not deemed necessary.
C17	Section #Article 10. Non-Commercial Activities, Section 10-1. Flying Clubs Page# 46, Second to last paragraph, Item d. Policies, 10. Comment: Delete this entire paragraph Reason/Comment: This is an unnecessary and pointless intrusion into the operation of any non-profit or not-for-profit Entity (e.g., corporation, association, or partnership) organized for the express purpose of providing its members with aircraft for their personal use and enjoyment only. Any suggestion that this level of monitoring of flight training on the field is non-sense.
R17	The FAA recognizes that the City has the right to require a flying club to furnish documents as may be reasonably necessary to assure that a flying club is a non-profit organization rather than a commercial entity. It is the City’s position that this paragraph is a reasonable requirement and conforms with FAA’s position on this subject. As such, a change is not deemed necessary.
C18	Section #Article 10. Non-Commercial Activities, Section 10-1. Flying Clubs Page # 46, last paragraph, Item e. Violations Comment: Delete this entire paragraph Reason/Comment: The provision to allow termination of a flying club’s right to use the airfield within fourteen days of an accusation of violation of “requirements” falls outside of American standards of due process. Such lack of a trial and appeal process for an accusation would authorize the Airport Director to behave in an arbitrary and capricious manner contrary to common law.
R18	Section 10-1. Flying Clubs, Item e. Violations has been revised as follows: <i>The Flying Club shall have fourteen days thirty (30) days to correct such violations.</i>
C19	Section # Entire document Page # 1 -46 Comment: The proposed draft MSR is so fatally flawed that it does not merit further consideration. If enacted, the proposed changes to the airport rules and regulations will undoubtedly: (1) Jeopardize the significant federal grant funding presently enjoyed by the city, and (2) lead to legal actions against the city requiring significant additional resources in attempting to defend the indefensible. There is no need to change the present MSR (approved in 2017); it meets all FAA requirements and is superior to the flawed proposal.

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	<p>There is only one rational choice to clean up this mess: Place a hold on the proposal until after a new permanent airport director has been installed and has had time to evaluate the situation and the needs of SBA. Departed director Henry Thompson’s successor should not be saddled with dealing with Mr. Thompson’s folly.</p>
R19	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
C20	<p>Section # Entire document Page # 1 -46 Comment: Airport administrator Mr. Aaron Keller repeatedly presented briefings to the Airport Commissioners stating that changes were needed to the existing MSR in order to meet FAA requirements for a “level playing field” for service providers. Yet, the proposed MSR is anything but a level playing field. It is in fact, exactly the opposite. The proposal essentially sweeps an entire class of providers (independent providers) off the table. No rational observer would view this as a “level playing field.”</p> <p>It would be useful for Mr. Keller to provide a definition of what he considers a “level playing field” and how one recognizes when it does or does not exist. He has been asked to do so on many occasions, but has never done so. Meaningful progress can only be made once the aviation community comes to an agreement as to what constitutes a “level playing field.”</p> <p>The proposed draft is so flawed that it merits no further consideration; it should be scratched.</p>
R20	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
C21	<p>Section # Article 8. Independent Operators, and Section 10-1, Flying Clubs Page # 38 –42. and 44 -46 Comment: The cited sections establish the imposition of unjustifiable fees and regulations that serve no real purpose other than to encumber legitimate service providers. This is a clear violation of FAA requirements for a grant funded airport. Such imposition of fees to police unnecessary regulations is unconscionable. It is little different than establishing a rule that all pilots must wear red and white socks, and then hiring (at pilot expense) a police force to cite the offending pilots. Before you (the reader) dismiss this example, PLEASE give some thought to its relevance to the ridiculous fees and regulations in the proposed MSR.</p>
R21	<p>Comment noted. No specific alternative language or deletions provided. With respect to Independent Operators, the City’s proposal is consistent with FAA guidance from Advisory Circular 150/5190-7, <i>Minimum Standards for Commercial Aeronautical Activities</i>: “If individual operators are to be allowed to perform a single-service aeronautical activity on the airport (aircraft washing, maintenance, etc.), the airport sponsor should have a licensing or permitting process in place that provides a level of regulation and compensation satisfactory to the airport. Frequently, a yearly fee or percentage of the gross receipts fee is a satisfactory way of monitoring this type of operation.” Nevertheless, Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.</p>
C22	<p>Section #Entire document Page # 1 -46 Comment: Former airport director Mr. Thompson and his administrative assistant Aaron Keller repeatedly claimed that the FAA directed that SBA’s 2017 MSR must be revised as a result of a complaint by Above All Aviation (AAA), an on-field business which would benefit greatly from the proposed rules. Despite repeated requests for disclosure for over a year, the airport administration kept AAA’s complaint and the FAA communications from public viewing. Only recently has this documentation been released. The released documents reveals the following: Each of the complaints by AAA are either false or of dubious merit. No investigation what-so-ever appears to have been undertaken by the airport administration to validate the AAA claims.</p>

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	Given this gross negligence on the part of the airport administration, there is no rational reason to replace the existing MSR (which fully meets FAA requirements of grant funding) with the deeply flawed proposed revision.
R22	Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.
C23	Section #Article 8, Page 39, 5thparagraph; Article 10, Page 44, 3 rd paragraph ^h Page# 39, 5thparagraph; Page 44, 3 rd paragra ^h Comment: The cited two paragraphs impose unjustifiable fees on flying clubs/aircraft owners and independent CFIs. Aircraft owners already pay the city for tie downs/hangers, airport access badges, as well as a tax on fuel purchased. When aircraft owners hire an instructor, the city is encumbered with no more expense than already paid by the aircraft owner. Specifically, the owner walking to his/her tie down accompanied by an instructor, imposes no more expense to the city than when the pilot is accompanied by his/her guest passenger. In light of the above, there is no justification for the independent CFI to suffer any fees beyond that associated with receiving a license to conduct business on city property. Consider this in the context of other Government services: 1)The city rents slips for boat owners at the harbor. To be consistent with the proposed MSR, boat owners would no longer be free to hire independent instructors for the operation of their boat. They would have to contract with businesses which lease an office at the harbor. 2)Likewise, if a person desired automobile driving lessons on the interstate freeway system, the person would be required to hire an instructor who leases an office from the Federal Government. The proposed fees on flying clubs/aircraft owners and CFIs beyond a license fee are unjustifiable and should be eliminated.
R23	Comment noted. No specific alternative language or deletions provided. With respect to Independent Operators, the City’s proposal is consistent with FAA guidance from Advisory Circular 150/5190-7, Minimum Standards for Commercial Aeronautical Activities: “If individual operators are to be allowed to perform a single-service aeronautical activity on the airport (aircraft washing, maintenance, etc.), the airport sponsor should have a licensing or permitting process in place that provides a level of regulation and compensation satisfactory to the airport. Frequently, a yearly fee or percentage of the gross receipts fee is a satisfactory way of monitoring this type of operation.” Nevertheless, Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.
Darryl Eaton	
C24	Section #Article 8 Page #38 Comment: Strike any phrasing similar to "When such assistance is not reasonably available on the Airport through an existing Commercial Operator with a Fixed Place of Business..."or "If the Airport Director determines that the requested services are not available at the Airport through an existing Commercial Operator with a Fixed Place of Business...". This grants an exclusive right to fixed operators versus independent operators, which is specifically prohibited by grant assurances. Furthermore, it is vague and will lead to continuous arguments of interpretation. For example, if we fly a Mooney and work with an independent instructor to keep club members current, must we suddenly stop if the local flight school hires an instructor with Mooney experience? How would we be made aware of this hire? What if the instructor turns out to be a bad fit for the club-what recourse or other options do we have? This example applies to both clubs and individual owner pilots. • FAA Airport Compliance Manual Order 5190.6B Section 10.3: "Use of Minimum Standards to Protect an Exclusive Right. When the sponsor implements minimum standards for the apparent purpose of protecting an exclusive right, the FAA will find the sponsor in violation of the exclusive rights prohibition. Evidence of intent to grant an exclusive right might be, for example, the adoption of a standard that only one particular operator can reasonably or practically meet."

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	<ul style="list-style-type: none"> • FAA Advisory Circular # 150/5190-6, January 4, 2007 (page 1): “The prohibition on the granting of exclusive rights is one of the obligations assumed by the airport sponsors of public airports that have accepted federal assistance...the owner or operator of any airport that has been developed or improved with Federal grant assistance is required to operate the airport for the use and benefit of the public and to make it available for all types, kinds, and classes of aeronautical activity and without granting an exclusive right.” • FAA Advisory Circular # 150/5190-6, January 4, 2007 (page 8): Definition of Exclusive Right: "A power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, by the imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an exclusive right."
R24	Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators.
C25	<p>Section #10-1 Page #44 Comment: Remove the assessment of fees for Flying Clubs. You are now risking grant assurances by discriminating.</p> <ul style="list-style-type: none"> •Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and without unjust discrimination. First, the sponsor must make the airport and its facilities available for public use. Next, the sponsor must ensure that the terms imposed on aeronautical users of the airport, including rates and charges, are reasonable for the facilities and services provided. Finally the terms must be applied without unjust discrimination. •FAA Airport Compliance Manual Order 5190.6B Section 10.6.c: "A flying club qualifies as an individual under the grant assurances." •Therefore, any fees are unjustly discriminatory unless they are applied to all other individual airport tenants..
R25	Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable and not unjustly discriminatory fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.
C26	<p>Section # Yelp Review submitted by AAA as evidence of SBFC Advertising Page # (Part of compliant package submitted by AAA, not a part of minimum standards.) Comment: We looked through the SBFC membership spread sheet and checked with long standing members and could not identify an "Ann H." This was not a form of "SBFC Advertising" - it was a review submitted by an independent community member, and it appears to have already been removed by some method.</p>
R26	Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.
Louis Farah, Jr.	
C27	<p>Section #3-2 Page #9 Comment: The term "unjustly discriminatory" is extremely vague. Who determines the level of unjust?- The phrase "at fees that are competitive with similar providers at the Airport" creates an inherent market fixing by the Airport Authority. The free market should determine what the competitive fees are, not any one provider.</p>
R27	<p>The term "unjustly discriminatory" is discussed in Federal Grant Obligations as follows: “Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make its aeronautical facilities available to the public and its tenants on terms that are reasonable and without unjust discrimination. This federal obligation involves several distinct requirements.</p> <p>First, the sponsor must make the airport and its facilities available for public use. Next, the sponsor must ensure that the terms imposed on aeronautical users of the airport, including rates and charges, are reasonable for the facilities and services provided.</p>

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	<p>Finally the terms must be applied without unjust discrimination. The prohibition on unjust discrimination extends to types, kinds and classes of aeronautical activities, as well as individual members of a class of operator.</p> <p>This is true whether these terms are imposed by the sponsor or by a licensee or tenant offering services or commodities normally required at the airport. The tenant’s commercial status does not relieve the sponsor of its obligation to ensure the terms for services offered to aeronautical users are fair and reasonable and without unjust discrimination.”</p> <p>Section 3.2 has been revised as follows: <i>Commercial Operators shall conduct all Commercial Aeronautical Activities on a fair, reasonable, and not unjustly discriminatory basis, at fees that are competitive with similar providers at the Airport.</i></p>
C28	<p>Section #8 Page #39 Comment: Paragraph 4: Why are Independent Operators required to provide insurance notices to customers while current flight schools at the airport are not?</p>
R28	<p>Section 7-4 Flight Training; Paragraph c. 7. Has been added as follows: Every Flight Training Operator shall provide a notice to each of its customers that identifies the insurance coverages provided by that Flight Training Operator. Insurance coverage shall conform with the insurance requirements set forth by the City. The Flight Training Operator shall provide a copy of such notice to the Airport Director.</p>
C29	<p>Section #8 Page #40 Comment: Limitations, #1: Handing out business cards and arriving in a vehicle that has a business sticker on it are considered violations? The overreach here is incredible. How does the Airport intend to police giving out a business card to someone that requests a card while on airport property?</p>
R29	<p>Comment noted. No specific alternative language or deletions provided.</p>
C30	<p>Section #10 Page #46 Comment: Policies, #10: Flight instruction is between the member and the instructor. The Flying Club plays no role in flight training. Various other bullet points in this section make clear that Flying Clubs do not hold themselves out for instructor and are not flight training schools. Therefore, it's unreasonable to then require Flying Clubs to maintain flight school-like records. In fact, this section is setting the Flying Clubs up to appear as more of a flight training school than they are.</p>
R30	<p>See R17</p>
C31	<p>Section #8 Page # Comment: FAA Advisory Circular #150/5190-6 Exclusive Rights at Federally-Obligated Airports specifically states: “It is FAA policy that the sponsor of a federally obligated airport will not grant an exclusive right for the use of the airport to any person providing, or intending to provide, aeronautical services or commodities to the public and will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct aeronautical activities.”</p> <p>The Draft Airport Minimum Standards being proposed state: “Independent Flight Training Operations (i.e., individuals or entities that do not maintain a Fixed Place of Business on the Airport), may be permitted to provide Flight Training only to the extent such Flight Training is not reasonably available from an authorized Flight Training Operator with a Fixed Place of Business on the Airport.”</p> <p>Above All Aviation (AAA) is currently the only “Flight Training Operator” with a “Fixed Place of Business” at SBA.</p> <p>This rule inherently gives AAA an exclusive first right of refusal to all those seeking flight instruction at SBA. Individuals can only seek independent flight instruction if the ambiguous bar of “...such Flight Training is not reasonably available...” is met.</p> <p>Going even broader, the AC above clarifies that an exclusive right isn't only created among various entities. It also applies to various operator types at the airport. In this case, it would be a separate bar for independent operators than fixed base operators. It's absolute gaslighting to continue the stance of "there is no exclusivity in the proposed MSR's" when it very plainly states independent operators can only instructor if a fixed base operator doesn't want or can't handle the business.</p>
R31	<p>See R24</p>
C32	<p>Section # Change 12</p>

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	<p>Page #6 Comment: Exclusivity Violation: requiring Flying Clubs to pay outrageous fees while not requiring flight schools inherently treats Flying Clubs differently. What exactly is the point of the permit fee? The Flying Clubs keep all their planes at an FBO and in turn, pay fees to the FBO. Fuel is purchased from the FBO. What exactly does a \$2,000 annual permit fee get the Club in services? The Rationale states that the fee is needed to cover the burden of administrative expenses. Administrative expenses that the Airport Administration has created for no reason! The circular logic here is unbelievable. "We need to create a bureaucracy to police a non-issue and because that costs us money, we're going to charge back the cost to the people we feel we need to police."</p>
R32	<p>Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.</p>
C33	<p>Change 14 Page #7 Comment: Again, why is there an additional "Administrative Fee" on top of the \$2,000 membership fee? The aircraft are tied down at an FBO. What admin cost could there possible be for the Airport Admin?</p>
R33	<p>Comment noted. Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.</p>
C34	<p>Change 15 Page #7 Comment: The Flying Clubs will be paying \$2,000/year but that doesn't even cover changes to the roster. This is government bureaucracy at its finest. All of these fees for zero increase in service from the Airport and all a result of the added red tape the Airport has created. The fees seem to be an attempt to make operating a Flying Club at SBA cost-prohibitive. If all of these fees are not also charged to the flying schools, than the Airport is creating exclusivity.</p>
R34	<p>Comment noted. Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance As such, a change was not deemed necessary.</p>
Gregory Dierenfield	
C36	<p>Section #8 Page #N/A Comment: Regarding Significant Change 1. If this change goes through, it will raise all instruction not done in a flight school's airplane by 20-26%. This includes any aircraft owner, all flying clubs etc... Evidence... Only one flight school remains at SBA and their instruction rates are... \$78/hour Basic (Private/Commercial) Instrument/Advanced/Complex \$88/hour \$98/hour Multi-engine. Also, there is a note... Note: For training in customer owned aircraft, there is an additional \$20/hour added to these rates.</p>
R36	<p>Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance. As such, a change was not deemed necessary.</p>
C37	<p>Section # 10 Page #45 Comment: This Article needs to remain unchanged from the City Council approved 2017 MSR. Specifically... 1. Under the draft MSR a Flying club is required to get a permit under article 3, Requirements for Commercial Aeronautical Services. However, under policies (article10 para d. the draft MSR states "Flying Clubs will not be subject to the minimum standards of commercial operators."</p>

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	<p>The FAA further clarifies this in 5190.6B section 10.1... "Flying clubs are not-for-profit commercial operations and are not normally covered by commercial minimum standards...."</p> <p>2. Per FAA 5190.6B section 10.6 Para C. Policies. A flying club qualifies as an individual under the grant assurances and, as such, has the right to fuel and maintain the aircraft with its members. The airport owner has the right to require the flying club to furnish documents, such as insurance policies and a current list of members, as may be reasonably necessary to assure that the flying club is a nonprofit organization rather than an FBO or other commercial entity.</p> <p>Consider the following//Significant Change 12, 14, 15. There is no precedent in FAA policy to be charging Flying Clubs fees for membership, maintenance, and roster changes. They are to be treated as "individuals." Unless the city is prepared to charge every aircraft owner on the field these similar fees you will have a grant assurance violation with these significant changes.</p> <p>Significant Change 17. This change is utterly unnecessary as it is covered adequately in the 2017 MSR</p>
R37	<p>Comment noted. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable fees. Fees set by the City will be based on recovery of the anticipated administrative costs associated with monitoring compliance.</p> <p>As such, a change was not deemed necessary.</p>
C38	<p>Section #8 Page #39</p> <p>Comment: Article 8. Independent Operators This article needs at the very least to be reverted back to the City Council approved 2017 MSR. Many of the proposed significant changes are already captured in the 2017 MSR. Specifically...</p> <p>1. From the 2017 MSR... "Each Independent Operator is required to obtain an annual Airport Operating Activity Permit from the City and must provide copies of a City of Santa Barbara Business License." Significant Proposed Change 2 and Change 4. NOT NEEDED!!! this is addressed in the 2017 MSR. The Airport Operating Activity Permit and the Business License (this license requires the payment of taxes) meet the needs of changes 2 and 4. Additionally, the fees and taxes associated with both are what the FAA suggests as appropriate for independent operators in the 5190.6B section 10.5 paragraph g. "Frequently, a yearly fee or percentage of the gross receipts fee is a satisfactory way of monitoring this type of operation."</p> <p>2. From the 2017 MSR. "Each Independent Operator shall carry and maintain at its sole cost and expense throughout the term of its permit or agreement with the City the required types of insurance policies that meets (or exceeds) the specifications contained in the permit or agreement." Significant Proposed Change 5 and 6. NOT NEEDED!!!! This is addressed in the 2017 MSR. 3. From the 2017 MSR. " Prior to conducting business in specific areas of the Airport, the Independent Flight Instructor shall provide the City with written evidence of permission to operate from the premises of a Lessee. For a City-managed T-hangar or Tie-down, the Independent Flight Instructor shall provide the City with written evidence of a request for services from a Licensee." Significant Change 3. NOT NEEDED!!! This is address in the 2017 MSR.</p> <p>Further the following changes to Section 8 are absurd from an economic, safety, ethical and historical precedence.</p> <p>1. Starting with Significant Change 1. This change needs to be thrown out completely. Per the FAA 5190.6B Change 1 Chapter 9, Unjust Discrimination Between Aeronautical Users, Paragraph 9.10... A federally obligated airport sponsor has received federal aid in support of the national air transportation system. All users of the national airport system pay taxes to support and maintain the system and all its component airports, including the airport in question. The fact that certain users at a particular airport pay district or other local taxes, while others do not, does not justify preferential treatment, differential rates, or other unjustly discriminatory practices having the effect of unreasonably restricting or excluding users who do not pay those local taxes. Nonresident aeronautical users have the same rights as resident aeronautical users regarding reasonable access to, and services provided at, a federally obligated airport. Accordingly, the airport must be available on reasonable terms to all public aeronautical users, and a local tax obligation does not establish a reasonable basis upon which to discriminate between resident and nonresident airport users. The national air transportation system is dependent on each airport properly functioning as part of the whole system. Allowing airport sponsors to invoke local preferences, such as granting preferential treatment could result in a patchwork of local preferences that would be inconsistent with a national air transportation system."</p>

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	<p>2. Further Significant Change 1 needs to be removed as it grants and exclusive right to the only flight school on the field. Per FAA 5190.6B Change 1 Chapter 9, Paragraph 10.3 Use of Minimum Standards to Protect and exclusive right... When the sponsor implements minimum standards for the purpose of protecting an exclusive right, the FAA may find the sponsor in violation of the exclusive rights prohibition. Evidence of intent to grant an exclusive right might be, for example, the adoption of a standard that only one particular operator can reasonably or practically meet.</p> <p>3. Significant Change 1. Per FAA 5190.6B Section 8.9 Paragraph D "An exclusive rights violation is the denial by the airport sponsor to afford other qualified parties an opportunity to be an on-airport aeronautical service provider." Denying Independent the ability to offer their services on-airport is a violation.</p> <p>4. Significant Change 1. Per FAA 5190.6B Section 8.7, The City has not met the two requirements to deny the services provided by Independent instructors.5. Significant Change 1. Per FAA 5190.6B Section 8.2 This significant change is a textbook definition of an exclusive right. " An exclusive right is defined as a power, privilege, or other right excluding or debarring another from enjoying or exercising alike power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition of unreasonable standards or requirements or by another means. Such a right conferred on one or more parties but excluding others from enjoying or exercising a similar right or right, would be an exclusive right. "</p> <p>Concerning Significant Change 7. There is no prevision in any FAA document or president of common practice which allows for the prohibiting of and instructor advertising their services, whether independent or flight school affiliated. The airports Rational of "The Santa Barbara Airport aviation community is a small group, and those based tenants/permittees are generally familiar with the means of obtaining services. " is utter discrimination. This requires an independent to</p> <ol style="list-style-type: none"> 1. Obtain and expensive permit 2. Hope they have a skill so unique it cannot be offered by the only flight school on the field. 3. Wait for word of mouth among the community. 4. Jump through mountains of bureaucracy with a historically unresponsive airport director.
R38	<p>Comment noted. No specific alternative language or deletions provided. Article 8 has undergone a significant rewrite to reflect comments and suggested changes by stakeholders. The revised Article 8 permits a based tenant to utilize permitted Independent Flight Training Operators and/or Maintenance Operators. However, it should be noted that any commercial operator shall be required to hold a Commercial Operator Permit, Business License and proof of insurance.</p>
C39	<p>Section #N/A Page #N/A</p> <p>Comment: I would like to take this column to address the complaint made against the airport regarding independent instructors as well as flying clubs in June of 2020. Starting with Mr. George Aiken's letter to Director Thompson, paragraph 3 "The enclosed complaint is being handled as a report or violation or "informal" complaint in accordance with Part 13. We have not yet made any finding regarding the validity of the complaint." In the eyes of the FAA this complaint has not even been validated!!! all this change and restriction coming out of this draft MSR is akin to a defendant with only the word of the accuser. The FAA has not heard from the other side! I am confident the FAA will receive a complaint should this MSR be implemented. Rhetorical question, Would the airport devote the same resources it has here should an independent CFI or flying club file a part 13 complaint?</p> <p>Also, allow me to provide some perspective from the other side... Overall this complaint was filed by a business motivated by the need to... "Protect my employees and family's investment..." On the businesses' website they also claim "2020 was a good year for students..." It can't be both!</p> <p>There is so little independent instruction anymore at SBA if a business is failing it certainly is not due independent CFIs or flying clubs for that matter.</p> <p>Next... "Flying Clubs do not comply with minimum standards" Yes correct, Per FAA 5190.6B Para 10.1 "This chapter describes the sponsor's discretion to establish minimum standards for commercial service providers and airport regulations for all other airport activities. Flying clubs are not-for-profit commercial operations and are not normally covered by commercial minimum standards." This is how the FAA intends it to be!</p> <p>Regarding point 1 paragraph 1 of the complaint.... Per section 10.6 of FAA 5190.6B instruction is permitted in flying club airplanes, and compensation or credit is allowed. There are costs associated with</p>

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	<p>this for both the club and instructors. The "flying club pays nothing" claim is not true (e.g. tiedowns, instructors-insurance).</p> <p>A safe club needs competent and available instructors for its members, the draft MSR will force the members to use instructors from a business which has shown a strong hostility toward the clubs for the better part of a decade. This is not a good policy it will likely destroy the clubs at SBA.</p> <p>Further regarding point 1, 2nd paragraph. The evidence presented here are blog posts from unhappy customers. It is everyone's first amendment right to publicly talk about their experiences. It doesn't matter what you put in the MSR, unhappy customers vent their frustrations.</p> <p>Further regarding point 1, 3rd paragraph. This is a pretty bold statement. The complainant has not seen my tax return nor those of the other independents. There is absolutely no evidence to support this assertion.</p> <p>Regarding point 2 all paragraphs. What is a "traditional aircraft rental facility?" I can tell you a flight school is not that. They train people to fly and generally have policies which dissuade the rental use of their aircraft (e.g. minimum daily hour requirement). A flying club on the other hand is just that, an economical way for people to get access to aircraft for their enjoyment. There is no validity in this complaint, a flight school cannot compete with a flying club because they are not a flying club.</p> <p>Regarding point 3. I'm sure the flight school could use the visitor center if they wanted. I know when I worked for a flight school we used it monthly for safety seminars.</p>
R39	<p>Comment noted. No specific alternative language or deletions provided.</p> <p>As such, a change was not deemed necessary.</p>
Shawn Sullivan	
C40	<p>Section #2 Page #5-8</p> <p>Comment: The definitions of Commercial Operator and of SASO both use the term Entity, but the definitions of FBO and Independent Operator use the term Commercial Operator. Potential for confusion. Recommend nesting FBO, IO and SASO under Commercial Operator with better clarification and consistent use of language.</p>
R40	<p>This section was corrected to replace the term "Entity" with "Commercial Operator."</p>
C41	<p>Section #2 Page #6</p> <p>Comment: Definition of Flight Training is not broad enough as it does not cover all of the types of activities that are considered flight training under the FARs (Flight Review, IPC, aircraft checkout flights, etc.)</p>
R41	<p>The definition has been changed as follows: <i>Flight Training – instruction of certificated and/or student pilots in dual and solo flight instruction in aircraft, and such related Ground School instruction as is necessary to take a knowledge examination and flight check ride for the category(ies) of pilots' certificates and ratings involved including, but not limited to, Biennial flight reviews, aircraft checkouts, instrument recurrency flights, etc.</i></p>
C42	<p>Section #3-3 Page #9-14</p> <p>Comment: Include language to make clear that this section does (or does not) apply to Independent Operators.</p>
R42	<p>The first sentence on Page 10 has been modified as follows: An The applicant who proposes to establish a Fixed Place of Business on the Airport shall submit the following required information or documentation:</p>
C43	<p>Section #3-4 Page #14</p> <p>Comment: Required Insurance Coverage does not include language stating that Independent Operators must meet insurance requirements commensurate with Commercial Operators with a Fixed Place of Business requirements for the type of service being provided.</p>
R43	<p>The City requires the same level of insurance for every entity engaging in the same commercial activity. As such, a change is not deemed necessary.</p>
C44	<p>Section #7-4 Page #33</p> <p>Comment: Flight Training Operator in this context is too similar to Independent Flight Training Operator. Recommend using Commercial Flight School in this context to ensure no ambiguity. Also, the description</p>

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	of services provided is too narrow (does not include flight reviews, IPCs, transition training, etc.) and does not leave open the option for providing flight training in other than fixed or rotary wing aircraft in the future.
R44	Section 7.4 has been modified as follows: <i>A Flight Training Operator engages in instructing pilots in dual and solo flight instruction, in fixed and/or rotary wing aircraft, and provides such related Ground School instruction as is necessary to take a knowledge examination and flight check ride for the category or categories of pilots' certificates and ratings involved. This section applies to Operator's that lease or sublease land and/or Improvements on the Airport.</i>
C45	Section #8 Page #38 Comment: Opening paragraph states that Independent Operators may be utilized when desired service "is not reasonably available on the Airport through an existing Commercial Operator with a Fixed Place of Business". No definition of "reasonably available" is included in the MSR which leaves this open to interpretation and exploitation.
R45	See R24
C46	Section #8 Page #38 Comment: Under Application Procedure, third paragraph, a critical correction needs to be made. It should read "...the likelihood that the service required of an Independent Operator will NOT be provided by a Commercial Operator..."
R46	See R24
C47	Section #8-1 Page #39 Comment: Recommend changing Flight Training Operator to Commercial Flight School (end of first paragraph) to avoid confusion.
R47	"Flight Training Operator" is a defined term which eliminates potential confusion in its usage. As such, a change is not deemed necessary.
C48	Section #8-1 Page #40 Comment: Minimum Standards paragraph a.2. recommend replacing "Commercial Operator authorized by the Airport to provide Flight Training" to "Commercial Flight School" for clarity.
R48	Section 8-2 Paragraph a.2. has been modified as follows: <i>Ground School may only occur in the premises of a Commercial Flight Training Operator authorized by the Airport to provide Flight Training or outside of the AGA Airport Property. The Independent Operator shall submit any agreement with a Commercial Operator for the use of its space premises to the Airport Director for approval.</i>
C49	Section #10-1 d.2. Page #45 Comment: Add "Flying Clubs may not offer or conduct Specialized Commercial Flying Services".
R49	Section #10-1 (d)(2) has been modified as follows: Flying Clubs shall not conduct Commercial Activity whatsoever including, but not limited to, Flying Clubs may not offer or conduct air charter, air taxi, or aircraft rental operations, etc.
C50	Section #10-1 (d)(3) Page #45 Comment: The last sentence of this provision is at the core of the problem driving this revision to the MSR. "A member flight instructor is not required to obtain an agreement or permit from the City to provide Flight Training to other members of the Flying Club." This is a WIDE-OPEN back door for operating a flight school in the guise of a flying club with no financial burden, thus creating the economic discrimination of an uneven playing field!!!ALL flight training must be provided by a Permitted Commercial Operator (whether Fixed Base or Independent).
R50	Section 10-1(d)(3) has been revised to require that A member flight instructor must obtain a permit from the City to provide Flight Training to other members of the Flying Club.
C51	Section #10-1 (d)(7) Page #46

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	Comment: Add to list of things flying clubs may not hold out to the public as: Commercial Operators, Independent Operators. Oddly, this paragraph is the first mention of flight schools....
R51	Section #10-1 paragraph d.7. has been modified as follows: A Flying Clubs may not hold themselves out to the public as a Commercial Aeronautical Operator such as a Fixed Base Operators, or, Specialized Aviation Service Operators, including, but not limited to, an maintenance facilities Aircraft, Airframe, Engine and Accessory Maintenance and Repair Operator, or flight Training Operator schools, etc., and are prohibited from advertising as such.
C52	Section #10-1 (a) Page #44 Comment: Add "Flying Clubs are not permitted to compete with flight schools or aircraft rental facilities."
R52	See R51 - A Flying Club is prohibited from conducting commercial aeronautical activity and therefore cannot compete with a Flight Training Operator. As such, a change is not deemed necessary.
C53	Section #10-1 (b) Page #44 Comment: To prevent clubs from competing with aircraft rental facilities, they must be differentiated by cost structure. The following wording is recommended: "The entire burden of aircraft ownership of club aircraft must rest firmly upon each club member. The sum of every member's ownership deposit must be equal or greater than the sum of all capital assets (depreciation does not play). The amount of capital an aircraft is valued at must include every expense incurred to place said aircraft "online" for membership use within the first year of ownership (including aircraft purchase, state sales tax, transport, engine replacement, paint, interior, avionics, accessories etc). Flying clubs are required to provide written evidence of the value of every capital asset. A member's ownership deposit can only be returned upon the sale of that ownership share to a prospective member, or the associated sale of a capital asset.
R53	The comment is understood and appreciated. However, flying clubs may be structured in a variety of ways and the FAA does not mandate one particular structure in order that a flying club may be recognized as such. The proposed minimum qualifications for Flying Clubs is reasonable and conforms with FAA policy and industry best practices. As such, a change is not deemed necessary.
C54	Section #10-1 (c) Page #44 Comment: There is insufficient data provided by flying clubs to achieve transparency. The timing of these permits require definition. The following wording is recommended: "Flying clubs desiring a permit shall submit a data package by the first of November the year prior to beginning operation. Flying clubs that miss this deadline and those that fail to meet this requirement may reapply by the first of November the following year. The airport administration shall provide this data package to the public no later than December 1st. Public comments on the process and application are welcome until January 1st (the following year). The airport administration shall notify the public of all flying club applications approved no later than February 1st of the operating year. A flying club that has been approved is permitted to operate until February 1st of the following year. Subsequent to the approval of a permit for any flying club, the airport administration accepts responsibility for any financial loss to flight schools and aircraft rental facility due to said permit. At the minimum, an approved data package shall contain copies of the following: Aircraft and Engine Maintenance Logs Aircraft Flight Logs Passenger Manifest Member Pilot Log Books (imaged hard copies or web based access will suffice) including all Endorsements Tax filings including every 1099 generated by the club Training Files of every pilot being trained Proof of US Citizenship or Final Approval of Alien Flight Student for each member as applicable Membership Roster including current member pilot ratings
R54	The comment is understood and appreciated. However, Airport Administration considers the requested language to be unduly burdensome, and inconsistent with FAA policy and industry best practices. As such, a change is not deemed necessary.
Joseph Moore	
C55	Section #Entire Document Page # ALLPROPOSED CHANGES

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	<p>Comment: Neither the Santa Barbara Airport or FAA have provided evidence that the current MSR are in violation grant assurances. The airport administration continues to refer to a series of letters that, at most, suggest the MSR may be in noncompliance. Furthermore, the airport has elected not to put forth an effort to substantiate the claims of the initial complaint and instead have chosen to accept these baseless claims.</p> <p>This process does not seem to have been guided by FAA Airport Compliance Manual Order 5190.6B Chapter 5:"5.8. Evaluate the Complaint. The FAA uses the following procedures to evaluate complaints:</p> <p>a. Merits of the Report. The ADO or regional airports division will establish whether the FAA has jurisdiction by determining if the allegations relate to the sponsor's federal obligations. If the investigating office decides the issue is outside of the sponsor's federal obligations or that there was no violation, it should advise the complaining party and the sponsor that it will take no further action on the matter. There is no requirement to investigate a complaint if it is clear that there is no violation of the grant assurances.</p> <p>b. Obligating Documents. The investigating FAA office should review the sponsor's obligating documents. Federal obligations may vary depending on the obligating document. Some grant agreements or property transfer documents may contain special covenants or conditions specific to an individual sponsor.</p> <p>c. Supporting Facts. When evaluating a complaint, the investigating FAA office must identify the facts and separate facts from unsubstantiated allegations. Only complaints supported by facts may be considered in finding an airport in noncompliance for purposes of withholding discretionary funding. The complaining party has the responsibility to provide sufficient factual information to support the allegation(s). A supported fact is one that can be substantiated through corroborating evidence. "Given the mismanagement of this situation and the amount of resources the city has wasted this exercise should be ended immediately.</p>
R55	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
C56	<p>Article 8. Independent Operators Page #39</p> <p>Comment: This section discusses the requirements for Independent Flight Instructors to maintain insurance that "shall conform with the insurance requirements set forth by the City". This requirement does not make much sense. Since Independent Flight Instructors can only instruct in a students aircraft they would be covered by that students aircraft insurance. This requirement should be stricken from the document.</p>
R56	<p>Comment noted. The City has the right to establish reasonable and not unjustly discriminatory requirements for commercial operators. Requiring Independent Flight Instructors to maintain insurance for their commercial activity is a reasonable and customary requirement that applies to all commercial operators in the Minimum Standards. As such, a change is not deemed necessary.</p>
R57	<p>Section 8-1. Independent Flight Training Operator. Location. Page #40</p> <p>Comment: This section discusses the prohibition of Independent Flight Instructors from conducting "Ground School" within the AOA. As defined by this document that includes, but is not limited to, FAR 61.97. This restriction would ban an Independent Certified Flight Instructor from conducting preflight instruction pertaining to the following critical safety areas: (b) Aeronautical knowledge areas.</p> <ol style="list-style-type: none"> (1) Applicable Federal Aviation Regulations of this chapter that relate to recreational pilot privileges, limitations, and flight operations; (2) Accident reporting requirements of the National Transportation Safety Board; (3) Use of the applicable portions of the "Aeronautical Information Manual" and FAA advisory circulars; (4) Use of aeronautical charts for VFR navigation using pilotage with the aid of a magnetic compass; (5) Recognition of critical weather situations from the ground and in flight, windshear avoidance, and the procurement and use of aeronautical weather reports and forecasts; (6) Safe and efficient operation of aircraft, including collision avoidance, and recognition and avoidance of wake turbulence; (7) Effects of density altitude on takeoff and climb performance; (8) Weight and balance computations; (9) Principles of aerodynamics, powerplants, and aircraft systems;

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	<p>(10) Stall awareness, spin entry, spins, and spin recovery techniques, if applying for an airplane single-engine rating;</p> <p>(11) Aeronautical decision making and judgment; and</p> <p>(12) Preflight action that includes - (i) How to obtain information on runway lengths at airports of intended use, data on takeoff and landing distances, weather reports and forecasts, and fuel requirements; and (ii) How to plan for alternatives if the planned flight cannot be completed or delays are encountered. Ground school is an essential part of every light lesson and cannot be prohibited. This section must be stricken from the document.</p>
R57	<p>Comment noted. Ground school, within this context, is related to classroom instruction – not preflight instruction. Ground school is meant to provide students with theoretical information needed to operate an aircraft successfully and safely. The City reserves the right to regulate the location an independent flight training operator may conduct such activity on the Airport. As such, a change is not deemed necessary.</p>
C58	<p>Section 8-1. Independent Flight Training Operator - b. Other Requirements. Page #40</p> <p>Comment: This section mandates that Independent Certified Flight Instructors log all training activity. This is problematic for two main reasons. The first is that the airport does not have the capacity to maintain and audit these records as currently staffed. Second, the airport administration have claimed that the goal of these proposed minimum standards is to "level the playing field". If that is true then the brick and mortar flight schools would also need to be required to produce the same records. Furthermore, these records would need to be made public as to ensure the administration was indeed maintaining a level playing field. This section must be stricken from the document.</p>
R58	<p>Comment noted. No specific alternative language or deletions provided. The purpose of this section is to ensure that the Independent Flight Training Operator is properly reporting all hours flown to the City and paying required fees to the City for the commercial aeronautical activity. As such, a change is not deemed necessary.</p>
C59	<p>Section 8-1. Independent Flight Training Operator - c. Limitations. Page #40</p> <p>Comment: The airport administration needs to provide the authority by which it would be able to enforce this section. While operators may not place signs on airport property it is unreasonable to attempt to control what an individual puts on their vehicle. Furthermore, it is unreasonable to prohibit the distribution of business cards, not to mention the inability the airport would have to enforce such a rule. This section needs to be edited striking the prohibition of vehicle advertisements and business cards from the document.</p>
R59	See R29
C60	<p>Section 10-1. Flying Clubs - c. Permit. Page #44</p> <p>Comment: This section mandates that flying clubs must "own" their aircraft. Given that the goal of a flying club is to allow pilots a more affordable avenue to access aircraft this requirement significantly restriction a flying clubs ability to reduce the cost of flying to its members. It is common practice for flying clubs to lease their aircraft in an effort to provide their members with the most economical access to aircraft. This section should be rewritten to allow for flying cubs to lease aircraft which is an industry standard.</p>
R60	<p>This section conforms with FAA policy regarding a flying club’s aircraft ownership as detailed in FAA Compliance Manual Order 5190.6B Section 10.6 Paragraph b which states (in part): “The ownership of the club aircraft must be vested in the name of the flying club or owned by all its members”. However, the City recognizes that a flying club might lease aircraft for exclusive use by its members. Therefore, this section has been modified as follows: <i>...number and type of aircraft; evidence that ownership of all Flying Club aircraft is vested in the name of the Flying Club or owned by all its members; a list of all aircraft (including model and tail number) owned or leased by the Flying Club and utilized exclusively by the Flying Club and based at the Airport.</i></p>
C61	<p>Section #Section 10-1. Flying Clubs - d. Policies. 10. Page #46</p> <p>Comment: This section mandates that Independent Flying Clubs log all training activity. This is problematic for two main reasons.</p>

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	<p>The first is that the airport does not have the capacity to maintain and audit these records as currently staffed.</p> <p>Second, the airport administration has claimed that the goal of these proposed minimum standards is to "level the playing field". If that is true, then the brick-and-mortar flight schools would also need to be required to produce the same records. Furthermore, these records would need to be made public as to ensure the administration was indeed maintaining a level playing field.</p> <p>This section must be stricken from the document.</p>
R61	<p>Comment noted. No specific alternative language or deletions provided. The purpose of this section is to confirm that a flying club is properly reporting all hours flown by club aircraft to ensure that its aircraft are being used exclusively by club members and not being used by others – especially for flight instruction for non-club members.</p> <p>As such, a change is not deemed necessary.</p>
C62	<p>Section # Administrative Fee Based Upon Number of Aircraft: \$150 per Aircraft Annually. Page #Change 14</p> <p>Comment: It is unclear why a flying club aircraft would require an additional "Administrative Fee" when no other aircraft on the field have this fee assessed on them. The intended goal of this change seems to be to discourage flying clubs from obtaining new aircraft.</p> <p>This fee cannot be imposed.</p>
R62	<p>Comment noted. No specific alternative language or deletions provided. Rates and fees are separate and apart from the draft Minimum Standards. However, the City has the right to set reasonable and not unjustly discriminatory fees.</p> <p>As such, a change was not deemed necessary.</p>
Carl L. Hopkins	
C63	<p>SBA Minimum Standards Proposed Draft November 2021 Comments by Carl L. Hopkins</p> <p>FAA Airport Compliance Manual — Order 5190.6B Airports is the document that “creates “Minimum Standards. Chapter 10.1, paragraph two states: It is the responsibility of the airports district offices (ADOs) and regional airports divisions to advise sponsors on the appropriateness of proposed standards and to ensure that the standards do not protect or convey an exclusive right. (For samples, see Appendix O of this Order, Sample Minimum Standards for Commercial Aeronautical Activities, and Appendix P of this Order, Sample Airport Rules and Regulations.) Appendix O is the Minimum Standards for Livingston County Airport, Michigan. I think it is reasonable to believe the FAA listed this example MSR because they thought it was a good MSR. Therefore, it is reasonable to examine what this MSR has to say regarding flight instruction as noted below. Article Six...Flight Instruction. All independent flight instructors, defined as giving instruction only in student owned aircraft, are exempt from this article of the Minimum Standards. Any single instructor shall have the opportunity to follow Airport's "Guidelines for use of Public Terminal Building by Flight Schools and Instructors (December 17, 1991, as amended)". All other Operator's desiring to engage in flight instruction shall provide as a minimum the following: The MSR then goes on to define the requirements for a flight school which includes things such as an office, an airplane, and a flight instructor. There are two very important things to note in Article six. The first is the definition of an independent flight instructor as being: “defined as giving instruction only in student owned aircraft”. I have pointed out this correct definition in at least half a dozen airport commission meetings. The second is the phrase: “All independent flight instructors ... are exempt from this article of the Minimum Standards.” It seems very clear to me that the FAA, by giving this as a example of a good MSR, clearly supports a very open view of Independent Flight Instructors with minimum regulations. This example MSR alone should be all the airport and the relevant ADO needs to deny the complaint filed by Above All Flight School.</p>

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	<p>Chapter 9 of 5190.6B Unjust Discrimination between Aeronautical Users, 9.1 a) paragraph 5 states in the relevant part: “The prohibition on unjust discrimination extends to types, kinds and classes of aeronautical activities, as well as individual members of a class of operator.”</p> <p>This means the airport cannot discriminate between different ways of providing a similar service. That means the airport cannot favor flight schools over flying clubs.</p> <p>Thank you for providing the three-ring binder with a great deal of the history as well as the current and draft MSR. In the binder, under tab five, page 8, you refer to an e-mail dated May 4, 2017. Referring to this e-mail you state: “Specifically the FAA expressed concerns that the flight instructor permit fee ... economically favors independent flight instructors and may (emphasis added) be unjustly discriminatory to locally based flight schools.” But you have not provided a copy of that e-mail. Please do so. This is very important because a careful reading of the FAA letters and e-mails that you did include does not seem to state an opinion as to the validity of the complaint. They just say we have had a complaint please investigate it and consider whether or not changes are needed. As far as I can tell by reading FAA communications they have never agreed with the complaint.</p> <p>Your three-ring binder included a printed copy of the current MSR as well as a printed copy of the draft MSR, both over 40 pages long. You state that you have made a number of minor changes in addition to the major ones you summarize in tab 7. It would be very difficult and time consuming to lay the two out side by side and note all the changes. Please provide the draft in a format that shows all changes by striking out the old and highlighting the new. This is how that last two MSR changes were handled and it made it very easy to thoroughly review the changes.</p> <p>The main complaint by Above All Aviation, which you seem to agree with, is that the flight school has a lot invested and the independent flight instructor does not so that is unfair. If you look at it very narrowly comparing only the expenses the flight schools have versus the expenses the independent instructors have, you might have a point. But you are missing a key (I would say the most important) element in this equation: the pilot. Let us make some comparisons between a pilot and a flight school versus a pilot and an independent flight instructor. A pilot going to a flight school pays the flight school for a plane and for an instructor.</p> <p>A pilot using an independent flight instructor pays for a plane and for an instructor.</p> <p>The difference is that the pilot pays one person (the instructor) for the training and a different person(s) for the plane. That might be a flying club or the student's own plane. The total cost of instruction (instructor and plane) is likely to be very similar. If the student owns the plane, the total cost is probably higher due to the cost of plane ownership.</p> <p>So where is the economic discrimination? If there is any, please provide us a details accounting showing us this discrimination.</p> <p>The flight school must own, maintain, and house one or more airplanes. So does the student using an independent instructor. The flight school has a pay for fuel and insurance for their planes. So does the student using an independent instructor.</p> <p>The only expense that a flight school may have that an independent does may not have is office space and that is at least partially because the airport prohibits the independent from renting space from the airport. However, the independent may have such office expense just located off the airport. After all students need ground school and pre and post flight instruction.</p> <p>The owners of Above All Flight school have accused the independent flight instructors of not paying income tax. (They also accused the flying club of tax evasion and fraud.”). I am surprised that you included that complaint in the binder without a disclaimer stating that the airport had not conducted an investigation into such allegations and had no proof that they were true. I trust my life to my flight instructors. I believe them all to be very honest people who follow the rules and pay all appropriate taxes. I urge you to explicitly state that you are not aware of any tax evasion or fraud.</p> <p>The owners of Above all flight school have frequently complained about the payroll expenses that they have that an independent does not have. Let's review what they are.</p> <p>The flight schools pay social security and Medicare taxes regarding their employees.</p> <p>An independent flight instructor pays social security and Medicare taxes. In fact, they have to pay both employee and employer sides of these taxes. This means they pay twice the taxes as does the flight school employee. In short, there is no advantage to either side here.</p> <p>The flight school pays unemployment taxes and the flight school employees get unemployment benefits if they become unemployed.</p> <p>The independent does not have this expense nor do they have this benefit!</p>
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	<p>The flight school pays worker's compensation taxes and their employees can collect benefits if they are injured on the job.</p> <p>The independent does not have this expense. If they are injured on the job, they have no benefits unless they have purchased some insurance which will always be more that the government supported worker's compensation program.</p> <p>Most people don't decide to become employees or independents based on income. An employee gets paid less but gets benefits. An independent gets paid more but has no benefits unless they provide them themselves. Some people want the security and benefits that a job offers and others want the freedom that being an independent offers. No person or organization should force a person into one or the other situations.</p> <p>This revision states that if a pilot wants flight instruction in their own plane, they must get it using a flight school instructor unless the airport director determines that no flight school has an instructor qualified to provide the needed instruction. This is totally unacceptable!</p> <p>I and only I select my doctor, lawyer, gardener, mechanic, flight instructor and any other person, professional or laborer, that works for me. No one else is going to make any of those selections for me. Does the city really want the extreme liability associated with this proposal? I need instruction. I want my independent instructor. The flight school says they have a qualified instructor. The airport says I must use that person or not get instruction. I proceed with this instructor and there is a problem of any kind. You can absolutely bet that I will be suing the city (deep pockets) as well as the flight instructor and flying school. Do you really want a non-pilot deciding who is a qualified flight instructor?</p> <p>There have been numerous articles in multiple flying magazines discussing how to pick a flight instructor. Of course, the instructor has to have the required FAA licenses and experience to instruct. But that is just the beginning. That is a given. What is really important is the personal relationship between student and instructor. Different people learn in different manners. Different instructors instruct using different methods. One instructor may be the best instructor in the country, but if their teaching method or personality does not sync with mine it doesn't work. Every year many student pilots don't complete their training because they just didn't get along with the instructor or the instructor's training methods and they don't pursue changing instructors. Some people don't want an instructor of the opposite sex. Some women don't feel comfortable spending many hours in a small cockpit with a male. And some men do not like the idea of being taught by a woman. (I know that is stupid but they have that right.)</p> <p>Solution</p> <p>an old boss of mine often said: "Bring me solutions, not problems. "</p> <p>As noted earlier, I don't think we really need to do anything, but given all that has happened I do believe that some changes would be reasonable.</p> <p>Independent flight instructors should be allowed to instructor any student at any level in any airplane owned by the student.</p> <p>Independent flight instructors should be allowed to but not required to lease office space on the airport. Because there are independent flight instructors that instruct more than 1000 hours per year and others that instruct less than 20 hours per year, a fixed fee does not work. The only practical solution is a percentage or "concession" fee similar to the food service and gift shop at the airport. I suggest 5%. This fee to be paid by each permitted flight instructor on a quarterly basis. I am sure someone will immediately mention the word audit.</p> <p>The airport can require reasonable data from the instructors but in the end, whether it is concession fees or paying taxes or anything similar, we all must rely on trust. I know my instructor has a numbered receipt pad that is completed at every flight including time, dollar amount and method of payment.</p> <p>There is vague discussion of auditing of flying clubs to ensure they are actually flying clubs and not really a flight school masquerading as a flying club. However, there is no definition of when one becomes another. The MSR needs to have very specific language defining what makes a flying club look like a flight school. It is not reasonable for an individual or club to obey rules that are not very clear. If the "law" if vague it is unenforceable.</p> <p>It may be reasonable to limit the number of student pilots in the club, but it is definitely not acceptable to limit any advanced training. Every pilot wants to get as much advanced training in the plane they will be flying. Getting instrument instruction in one plane and then switching to another can be a recipe disaster. There was an article recently about a 10,000+ hour pilot who died in a crash on his first flight in a friend's plane. The pilot's plane had steam gauges while the accident plane was all glass. It is reasonable to require the flying clubs and flight instructors to provide some information about membership, hours</p>
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	<p>flown, and hours of instruction, but the proposal creates a gross, overreaching bureaucracy. Keep It Simple! Minimal, periodic reports and minimal fees. I would also note that if the airport feels somehow compelled to track all phases of flight training at the airport, then they should require the same information from the flight schools and imposed the same very burdensome fees.</p> <p>The owner of the only flight school on the airport; the one who started all these issues; the one who filed the complaints; has on several occasions over the past four years told me her only concern was the flying club teaching a large number of student pilots. She said: "I don't care about the instrument rating and commercial instruction. In fact, I have often referred pilots to the flying club when they wanted to get such ratings."</p> <p>For 74 years this airport has had a mix of flying clubs and flight schools. They have all coexisted and survived without such draconian measures as proposed in the draft MSR. I urge you to implement something akin to my proposal and lets us all get back to enjoying flying.</p> <p>-----</p> <p>Aaron</p> <p>I listened to the meeting last Thursday.</p> <p>I have also reviewed everything in the binder. I realized that I could not find a definition of a "level playing field" anywhere. What does it take to level the playing field between an independent instructor and a flight school? How will we know the field is now level and not tilted the other direction? What exactly, in detail, are the economic advantages an independent allegedly has over a flight school? There has been a lot of general talk about this but nothing definitive.</p> <p>I'd like to see a side-by-side expense comparison. Only then can we actually determine what the difference is and only when we know the actual difference can we find a solution to level the field. I think this is a key element of this entire discussion.</p> <p>The flight school has complained about economic discrimination, but I cannot find any dollar amounts, accounting, or anything else to quantify this alleged discrimination. If we had that we might be able to come up with a less draconian solution; one that actually levels the playing field.</p> <p>Sincerely Carl L. Hopkins Airport Commissioner</p>
R63	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
Lee Wilkerson	
C64	<p>Hello,</p> <p>I am a longtime Santa Barbara resident and retired Airline Pilot and am very concerned that this unnecessary change is poorly thought out, and that the draft by the ex-director Henry Thompson is biased to aid the ONLY flight school on the field and is prejudicial and unfair.</p> <p>I believe the current standards that have been in place for the last three and a half years are more than adequate and are not prejudicial. To change them would be a waste of time and money. I suggest with respect we leave the current standards in place and shred the current proposal.</p> <p>The proposed standards are discriminatory, and I am certain there is an enormous possibility of the city being involved in multiple lawsuits and also our funding by the FAA revoked due to the airports lack of compliance to current regulations.</p> <p>I think citizens should be allowed the freedom of choice to pick the best flight instructor available and not be forced to be taught by inexperienced beginners who just happen to be associated with the only flight school on the field.</p> <p>Sincerely Yours Lee Wilkerson ATP, CFI, CFII</p>
R64	<p>See R24</p>
Paul Trent	
C65	<p>DRAFT SBA MINIMUM STANDARDS</p> <p>I am familiar with the issue including the verbal complaint from Above All Aviation and the cities response to the FAA which if implemented would ban independent flight instruction at SBA. Apparently this was motivated by flying clubs operating at the airport. I have been flying out of SBA since 1963 and received my private certificate as a member of the Santa Barbara Flying club. Later commercial and instrument ratings were earned with training through Apollo Airways. I currently own my own plane.</p>

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	<p>I understand that the issue is equity or fairness. Do independent instructors have a financial advantage over airport-based schools? There are advantages and disadvantages on both sides, but the airport should not try to resolve this by banning independent instruction. The based school has determined that leasing space is to their advantage. Clearly that is true. But they complain that the normal advantage of "being there" is inadequate and want competition limited. Rather than limiting competition, one should look at the cost of the advantage of airport basing, perhaps the rent is too high or airport rules for the business are ill advised. Whatever advantage may possibly accrue to independent instruction can be equalized by charging less for airport basing. I realize this solution may not be possible due to rules concerning fair market value for leasing. But there may be unique factors in the leased property that have not been considered.</p> <p>To make any reasonable decision one would have to put a price on the possible advantages of the independent and try to equalize the situations. This implies that there is an advantage accruing to independents, which has not been determined. To make such a determination one would have to make a detailed analysis of the advantages and disadvantages of each.</p> <p>Flying clubs exist to lower the cost of aviation and bring more pilots into the fold. These are worthy goals and should be encouraged. I am unfamiliar with any of the current flying clubs at SBA and therefore do not express an opinion on that issue.</p> <p>However, I want to be clear, I oppose restrictions on independent flight instruction at SBA. Limiting competition is discriminatory and should not be allowed.</p> <p>Paul Trent</p>
R65	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>
Michael Barnick	
C66	<p>Dear Natalie, I'd like to weigh in on the conflict between the flying club and some of the businesses providing services for GA at the airport. As a long time aircraft owner of a GA aircraft and hanger lessor, I hope you'll consider the following:</p> <p>I do know that the flying club is using administrative loopholes to provide flight training at reduced prices and at minimal professional levels, although legally to my knowledge. As long as this is kept to a minimum, I don't see s problem. However, flight training is a serious business and there are different levels of professionalism, safety and responsibility involved. As you know, running a business in Santa Barbara is difficult and at best risky, rarely financially rewarding and VERY expensive. I believe that it is one of the airport's greatest responsibilities to endure that there are adequate services at SBA for GA.</p> <p>I have years of personal experience with Stratman (gone), Spitfire (questionable business practices), Accurate Aviation (regularly unavailable) and Above All Aviation. Above All is a serious company with tools, pilots and procedures that are all exceptional and a definite benefit to SBA GA. To lose a company of this caliber because of their inability to stay in business due to unfair competition would be a travesty for the airport in service to aspiring pilots, aircraft owners, airport reputation and revenue.</p> <p>Your web site shows that Above All is the only certified flight school available. Allowing students to obtain training and certification from other individuals makes less disciplined pilots and thus a less safe airport.</p> <p>GA aircraft maintenance is also a valuable service. The only company that can perform maintenance in a timely and professional manner at the airport is Above All. The other maintenance shops on the field are preoccupied with jets and are almost impossible to schedule. I would argue that owners of GA planes who pay a lot of taxes and high fuel prices to Santa Barbara should be able to expect proper and available maintenance services both in the interest of safety and convenience.</p> <p>I know members at the flying club, and they seem to be working in a very grey area all in the interest of saving money. We have to ask ourselves if saving money affects the safety and availability of professional and dependable services at the airport. In general, the club allows members to join for a small fee and then allows private individuals to provide training at reduced prices and as a result can train pilots to lower standards. That aside, flying clubs can be a great way for licensed pilots to have availability to aircraft they could not normally afford and this in itself is a good thing.</p> <p>I should point out that the flying club uses a maintenance company in Santa Maria for their maintenance depriving Santa Barbara of revenue, affects local businesses on the field and decreases safety to all by requiring ferry flights to repair aircraft that may have problems that could occur at any time. Years ago, I had to do the same to get avionics work done to my plane as the local company simply was too preoccupied with larger aircraft to do the work. I found this very inconvenient and as an owner who pays</p>

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	<p>a lot of taxes to the city. I couldn't figure out why there weren't sufficient services readily available on the field. Every time there was a problem, I had to fly to SMX, drop off the plane and get a ride back to town. This really shouldn't happen.</p> <p>I hope my above statement demonstrates my concerns and I would have the following suggestions:</p> <ul style="list-style-type: none"> - Flying club members must be paying members for a year before receiving any training. Records maintained by SBA administration. - All private instructors using club aircraft receive annual recurrent training and BFRs from an FAA Part 141 approved flight school. Records maintained by SBA administration. - Flying clubs provide training in a dedicated facility for ground school with all equipment and material to provide for VFR, high performance and IFR ratings, including an IFR rated simulator. - Any flying club on the field doing instruction be required to be registered as an FAA approved Part 141 flight school. Instructors using a club's aircraft to log all instruction time performed in club aircraft and pay an affordable use tax to the airport. <p>In closing, I would find it problematic for a company like Above All to be driven out of business by a group that cannot provide comparable services. Any person who wants to be a professional pilot requires Above All to get sufficient flight hours by providing training to others and receive additional ratings such a multi engine or commercial. Otherwise, they are required to go to Camarillo. SBA needs the best services on field to adequately support GA, and Above All is the last one left. I can assure you that keeping this business running requires skill, is challenging and certainly is not making excessive profits. To lose a company like this would be a great loss for the airport. I think that some owners may even consider moving their aircraft to another airport that provides sufficient services.</p> <p>I hope the administration appreciates the value and services Above All provides and will enact policies that allows the company to continue to provide these exceptional services to aviation enthusiasts in the county. Sincerely, Michael Barnick</p> <p>PS - The following link shows regular NTSB monthly aircraft accidents. Most of these in GA are the result of poor pilot decisions. Proper training is important to avoid these mistakes. I would hope that KSBA would make every effort to ensure pilots trained at SBA do not become one of these statistics. https://www.aviationsafetymagazine.com/preliminary_reports/ntsb-reports-12/</p>
R66	<p>Comment noted. No specific language or deletions provided As such, a change was not deemed necessary.</p>
Devin Dierenfield	
C67	<p>Article 1-10 Page #1-46 Comment: representing all Independent Instruction at SBA</p> <p>Since the City Had their meetings and invited all independent Instructors to offer their prospective on how best to address the informal complaint from Above all Aviation, I clearly assumed both sides had reached a common ground resolution regarding the minimum standards. The three meetings held by the city offered a working lunch. Both sides came to the verbal understanding that all instructors would be able to swap back and forth working for Above ALL Aviation's as an Independent, or do their own independent instruction at SBA provided they paid the standard total \$250 both city permit and airport admin fees.</p> <p>Now, what actually was changed from the meeting suggests the meetings were a complete waste of time! All of our input and resolution was completely ignored in the Minimum Standards proposed. The new proposed minimum standards are a complete joke!</p> <p>For example, the original complaint was a misunderstanding from above all aviation because they thought flying clubs were competing with the only flight school at SBA, above all aviation. What came out of the meeting, was that all flying club airplanes had mortgages on them and the hourly fees where higher because that debt payment was part of the hourly airplane rental expense. Above all thought that was all profit to the club.</p> <p>As an Independent Flight Instructor CFI, CFII, MEI, ATP and Commercial Airline Pilot with 28,000 hours, I don't want to teach full time! Only very, very part time! Like Terry Harris, the City cashed my check for a city Permit, but wouldn't take my check for the airport admin fee as an independent Flight Instructor at SBA. How do you propose all the students who are not inclined to work with Above all aviation for various reasons get their needed training such as a Flight Review, or IPC (Instrument Competency Check), High Performance Check out in a King Air, or other types of high performance</p>

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	<p>aircraft which the aircraft owner needs specific insurance for the pilot and instructor. I don't do this monthly, rather maybe 4-5 times a year. Why would an independent Hight instructor pay out of Pocket \$1200.00 a year just to do this??</p> <p>Moreover, why dose the city need to micro manage my instruction activities monthly, and what used to be an annual \$250 fee moved to a monthly \$250 fee just for the right to instruct on the field? I don't have time for that and instruction, nor dose anybody else. It's absurd!</p> <p>Moreover, it completely opens the door for other independent instruction from other surrounding airports to fly into SBA with students and return to their airport free of charge giving us a complete unfair disadvantage. Additionally, Ive been told more than once that Above All Maintenance would not work on my airplanes, or any airplane I was associated with on the field. The Minimum standards proposed make it almost Impossible for my mechanic to fix or repair/replace any parts on my planes because they are restricted from getting on the field without "standard insurance" and a place of business to rent from the city! This is simply ridiculous, and a huge impediment to safety.</p> <p>The master lease from signature and Atlantic aviation requires umbrella policy for aircraft owners to list FBO's to be additionally insured. This should be sufficient! Asking for any more insurance is absurd! The liability for the city shouldn't be any different for us as it is for other aircraft flying in and out every day. Passing these proposed minimum standards will absolutely result in lawsuits against the City and a guaranteed formal complaint to the FAA jeopardizing Federal Grant funds. Please toss the proposed MSR's out. Avoid the litigation! What we had before wasn't perfect, but it certainly worked for more than less.</p>
R67	<p>Comment noted. No specific alternative language or deletions provided. As such, a change was not deemed necessary.</p>