

# AVIATION BUSINESS

OFFICIAL PUBLICATION OF THE NATIONAL AIR TRANSPORTATION ASSOCIATION

# JOURNAL

3<sup>rd</sup> Quarter 2010

## Airport Terminal Services

### 35 Years of Stellar Ground Service

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Winning and Aviation Are in His Blood
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ATS employees pushing back Virgin America in Toronto.

## Bruce Jenner: Winning and Aviation Are in His Blood

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When James Coyne and Eric Byer asked Olympic Hall of Famer and multifaceted businessman Bruce Jenner to talk to NATA members about aviation in the *Aviation Business Journal*, he enthusiastically accepted. The interview took place before Jenner's riveting presentation at NATA's Air Charter Summit dinner on June 8.

## Airport Terminal Services: 35 Years of Stellar Ground Service

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*By Paul Seidenman and David J. Spanovich*

When Airport Terminal Services was founded in 1975 as a subsidiary of Midcoast Aviation, it was established as a commercial outsourcing entity for Lambert-St. Louis International Airport's first international facility. Now in its 35<sup>th</sup> year, ATS is still headquartered in St. Louis but has expanded to 34 U.S. and Canadian airports and serves more than 100 air carriers.

## The Broker Issue

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*By Lindsey McFarren*

Certificated air carriers have struggled with several concerns related to brokering over the years, and good brokers continue to fight against the negative connotation that has somehow come along with the term "broker." Two issues received significant attention at NATA's recent Air Charter Summit: Should brokers be required to gain DOT approval before conducting business? Who is liable for federal excise taxes that result from brokered flights?

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# Talk vs. Action: The Curse of Political Prolivity

By James K. Coyne

If ever there were a time to resurrect a wonderful old word, it is now, and that word is “prolixity.” My *Webster's* defines it as the “quality or state of being prolix, i.e. unduly prolonged, as by diffuseness or verbosity.” Listen to just about any modern politician or pundit and you'll understand its meaning as you wonder, “Will he ever stop talking and do something?”

We surely know a few business colleagues who suffer from acute prolixity, willing to talk issues to death while ignoring an obvious or critical course of action. Most of them, however, are mere amateurs compared to the professionally prolix pomposities who gravitate to Washington and have turned this town into a wonderland of worthless words.

There once was a time when actions spoke louder than words, but no longer. Saying the right words at the right time to the right audience with the right media coverage is the holy grail of modern politics, and few people notice if the promises that flow so fluently from their lips are ever fulfilled. It doesn't matter as long as everyone hears what they want to hear.

The sad saga of the current FAA reauthorization bill is the latest example. All we have after nearly four years of talk is one more “temporary extension” and more assurances that every day we're getting closer to a compromise that will finally bring a bill to the President's desk. But where is the public criticism of this broken process? Where is the anger at the waste of money, time, and public and private resources? And where is the outrage that aviation has apparently been declared irrelevant by our political leaders?

I could understand such delays in Congress if the houses were politically divided or faced the threat of a Presidential veto, but the Democrats control everything and promised to end the gridlock in Washington. The cynic in me suggests that our leaders think they will win more votes by talking than by doing. If only the rest of the world could benefit from such prolixity.

Imagine if we could build airports with mere

words or fuel our airplanes with low-cost, polysyllabic phrases. If only we could substitute pronouns for profits, replace employees with expletives, or complete construction projects with a mere conjunction, our corporate performance would be no more chal-

lenging than proper pronunciation. Instead of an FAA Reauthorization Act, Congress could pass the Air Transportation Teleprompter Act, and we would all get our own little electronic devices to be sure we always got the right speech.

I'm afraid that prolixity has become a substitute for progress—in government, foreign affairs, economics, academia, personal relations, and almost every corner of modern America—and the reason is obvious: Talk is cheap! But only if you don't consider future costs.

Consider, as another example, the years of talk about finding a replacement fuel for 100LL avgas. I attended my first government “discussion” on this issue in 1995, and little has changed since then. Millions more words will be “invested” in this topic over the next year, but will we be any closer to a true solution? I doubt it. But the longer we wait, the greater the risk that the current fuel supply infra-



Continued on page 8

Imagine if we could build airports with mere words or fuel our airplanes with low-cost, polysyllabic phrases.

## President's Message

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structure will be unable to adapt and a practical and affordable solution will no longer be feasible.

Or take NextGen, previously known by various other words such as Free Flight, Capstone, or simply ATC modernization. Surely by now we've passed the billion-word mark in the hundreds of studies, reports, plans, and program proposals funded with NextGen earmarks. The FAA has *talked* about this futuristic topic since the 1970s, but the goal posts for *getting the job done* are always 20 years in the future. At this point, most pilots suspect that only the next generation of Americans will ever see the reality of NextGen. Current aviators won't live that long.

In the face of all this blathering, what should you and I do? Is the answer simply electing new people in Washington to take control of the microphones and teleprompters? Or is it to steer our industry away from its historic dependency on federal action (or inaction) and regulatory control? In other times, industries like ours took independent actions

to grow and modernize without waiting for government to make up its mind. Is such a path possible in this era of Big Talking Government?

We may be at an important crossroads. Clearly, what we have now is not working. One path may be to make government more efficient, effective, and flexible—i.e., enable it to get more done. The other path may be to recognize that Big Talking Government is immutable and will be perpetually inefficient in this new era of political prolixity. In this verbose new world, the only promising path may simply be to let government do the talking (who cares if anyone is really listening) but let the initiative of the American people and the private sector do the doing, without waiting for guidance from the political classes.

Either path will take leaders in Washington who aren't afraid of the hard work necessary for real regulatory reforms like these, but that means actually doing something. Instead, I suppose, all we'll get will be more words. Perpetual prolixity perchance? 



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# California Must Value Aviation Businesses, Not Cripple Them

By Eric R. Byer

**R**andomly ask ten people on the street what Part 61 training is and if they have ever heard of a fixed base operator, and you will likely get quite a few quizzical looks.

One of the most important roles NATA plays is that of educator. While the educating sometimes involves the general public, it most often relates to government officials, whether regulators, legislators, or administrators. This education is necessary to give those individuals a basic understanding of the unique conditions and environment in which our industry operates. We have all seen what happens when rules are made and laws are passed without a thorough understanding of general aviation businesses.

That situation is playing out right now in California. Over the last several months, you may have followed the association's efforts to minimize the impact of California Assembly Bill 48 on the state's flight training community. Signed into law late last year by Governor Schwarzenegger, AB48 reconstituted the Bureau of Private Post Secondary Education (BPPSE) and provided it the authority to regulate all post-secondary education in the state. AB48, constructed without any input from the flight training community, omitted the exemption for flight training providers that previous authorizing legislation had contained, and the recent regulations proposed by the BPPSE cover flight training provid-

ers operating within the state.

Covered training providers will be required to submit an eight-page application to the BPPSE by August 2 for approval to operate within the state or submit an application for exemption if they meet the requirements set forth in the statute. Among the information/items required for submittal with the application are business organizational information; a list of all individuals having 25 percent or more ownership in the institution; a management organizational chart; job descriptions of each administrative and instructor position; a document describing the education, experience, and qualifications for individuals serving as chief executive officer, chief operating officer, and chief academic officer; the institution's mission statement and objectives; examples of all student enrollment agreements and instruments of indebtedness; copies of all public advertising; a description of the educational programs the institution offers; and audited financial statements. Further, in order to receive an approval to operate, an institution must demonstrate compliance with all minimum operational standards, including those for educational programs, for years of experience or years in the field for faculty/instructors, and for financial resources.

Under the proposed regulations, the BPPSE may elect to inspect a facility prior to providing an approval to operate by utilizing a visiting committee comprising



individuals, chosen by the BPPSE, with educational experience in the applying facility's educational program. The committee would be authorized to inspect all of the institution's facilities and equipment, audit student instruction, and interview students, instructors, and executives.

The proposed regulations create the Student Tuition Recovery Fund (STRF) that is designed to protect students who have prepaid their tuition from loss in the event that their post-secondary educational institution goes out of business or is otherwise unable to provide the agreed-on education. All post-secondary facilities are required to collect an assessment of \$2.50 per \$1,000 paid from all students residing in California at the time of their enrollment for deposit into the STRF. In addition to the STRF assessment, the BPPSE's

proposed regulations mandate a \$5,000 application fee, a \$3,000 application fee for each additional location, a \$3,500 renewal fee (every 5 years), a \$1,000 annual fee per location, and an annual fee equal to three-quarters of 1 percent of the institution's annual revenues derived from students in California, but not exceeding a total of \$25,000 annually.

Two weeks ago, the BPPSE held a public hearing to receive comments on regulations proposed to implement the requirements of AB48, and our members spoke often and loudly. The association strongly encouraged its members to participate and submitted its own comments as well. A significant number of flight training business owners and providers explained just how detrimental the impact of the proposed regulations created by AB48 will be on the flight training community. Many speakers said the extreme fees and required audited financial statements would cause their businesses to close. In fact, in a recent NATA survey of California flight training providers, 90 percent of the respondents said their training facility would no longer be able to operate under the proposed regulations.

Why were flight training facilities excluded from the process of creating the legislation in the first place? The facilities' inclusion in the BPPSE regulatory authority has caused the resulting rules to be out of touch with the reality of our industry, with the potential of driving the long-time flight training providers in the state out of business. The flight training industry in general is not opposed to sensible regulations protecting students. However, rules that threaten to devastate the majority of an industry, including schools that have been in operation in the state for more than 20 years, are at

their roots not sensible. The general aviation community currently provides 1.7 million jobs and \$18.2 billion in economic activity for the state. If flight training is allowed to be destroyed, much of that economic benefit will also disappear.

With the registration and compliance deadline for flight schools so close, the only remedy to this situation is for the California State Legislature to pass a time-limited

exemption for flight training facilities. Such an exemption would allow time to change existing laws to offer protections to students without destroying the flight training industry and its vital contributions to the California economy. NATA is working toward this solution.

To learn more about NATA's efforts on CA AB48, visit [www.nata.aero/issues](http://www.nata.aero/issues) and click on California Assembly Bill 48.

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# Safety Doesn't Belong Solely to the Safety Manager

By Russ Lawton

In our traditional approach to safety, we've always thought of the safety manager or safety officer as the person to be held accountable for any bad event that occurs. "How did *you* let that happen?" is a familiar question under this outdated safety model. The reality is that the safety person can't prevent anything from happening that everyone else isn't interested in preventing. Safety can't be delegated to a single individual or company department.

The difference between the traditional approach to safety and the current safety management system (SMS) principles can be summed up in the last two letters in SMS: management system. Under the SMS concept, safety:

- Is integrated within the normal management of an organization and is not viewed as being separate and expendable;
- Flows down from top management into line management and all employees;

- Makes safety achievement a line management achievement that is reportable and accountable to the top level of management; and
- Makes best use of company resources through coordinated risk assessment and management efforts across all departments, otherwise known as "silo busting."

The above activities can be accomplished only through policies, practices, and procedures that are documented, communicated, and "lived" on a daily basis. This means that safety accountability is documented in *everyone's* job description, especially managers. And everyone participates in assessing and managing risk, not just the safety guy or gal.

This process isn't instantaneous. It must be developed over time and reflect your operating environment. The goal is to develop such a good proactive approach to managing risk that, if an event does occur, your first question will be: "How did *we* let this happen?"

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# 2010 Air Charter Summit Tackles Key Issues



By Colin Bane

“I always joke that the FAA and our partners in industry are a big family, and just like in any family, everything isn't always going to be smooth sailing. There are going to be some hiccups,” said FAA Deputy Associate Administrator for Safety John Hickey, addressing NATA's 2010 Air Charter Summit on June 8 at the Westfields Marriott in Chantilly, Va. “That's OK, though, because at the end of the day, we all want the same thing. We're all working toward the same goal: a better, safer, more efficient national airspace system.”

Hickey thanked NATA for recognizing the FAA with several 2009 NATA Industry Excellence Awards, including a Customer Service Excellence Award for South Florida FSDO-19 and an Excellence in Pilot Training Award for Arlynn McMahon (the 2009 Flight Instructor of the Year). He then addressed some of the more serious matters at hand, including his response to a NATA survey and subsequent Government Accountability Office (GAO) report knocking the FAA's Regional Aircraft Certification Offices and Flight Standards District Offices for inconsistent interpretation of federal aviation regulations.

“As proud as I am of our safety record, I also know we're not perfect,” Hickey said. “And as in any family, NATA was kind enough to let us know we can do better when you released the results of a study in October that indicated the FAA is not always consistent in the way we interpret regulations. This led Congress to commission the Government Accountability Office to conduct its own review, which basically came out to be, ‘Yep, you guys at the FAA have got to do a better job at standardization! So that's what we're trying to do. The bottom line is we weren't living up to your expectations. So you called us on it. And as much as it irritates me that it took something like that to happen before we made necessary changes, the truth is we weren't meeting the mark. And when that happens, we need to know about it. We need to be held accountable, and we need to do better.’”

Inconsistent interpretation and application of the current rules at the field office level have been costly for the industry, a point raised by the NATA

survey. NATA Director of Regulatory Affairs Jacqueline Rosser addressed the topic during the summit, specifically with regard to the flight, duty, and rest regulations, which have been essentially unchanged since the 1970s but have been interpreted broadly at the local level and need to be standardized.

“The problem isn't necessarily inconsistency at the FAA headquarters level, it's that there's inconsistency at the field level,” Rosser said. “We wanted to be able to show the FAA where the inconsistencies were, and in that respect the survey has been very powerful. Part of the problem is that many operators are reluctant to complain about these issues. A lot of the time the operators just choose to go along with their inspector's position, even when they disagree with it, because it's hard to file a complaint against your inspector without fear of retaliation.”

“We're very encouraged by the FAA response to our survey,” Rosser said. “They want to do the right thing. They want more standardization as much as we do, and they are very actively listening to us.”

During her presentation at the summit, Rosser told NATA members that the FAA may revise current flight, duty, and rest regulations for pilots. Over the last 15 years, there have been several attempts to change those rules, including a 1995 Notice of Proposed Rulemaking (NPRM), a 1998 Aviation Rulemaking Advisory Committees (ARAC), and the 2004 Aviation Rulemaking Committee (ARC) efforts. Rosser joked, “Change is coming... eventually...maybe.”

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## Air Charter Summit

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The ARC worked to update the entire Part 135 regulation, including pilot duty rules. Hickey said that the FAA has made progress toward implementing the ARC recommendations. "On the one hand, change is obviously coming, and the FAA has made progress on the ARC recommendations," he said. "We have seen bits and pieces of it come through with some new published rules and rulemaking efforts underway. But it's also true that nobody wants to see significant rulemaking on pilot duty rules rushed through. What you don't want is to have one dramatic accident, and then everybody gets all

fired up about coming up with a new rule to address it in the future, and you end up with something that isn't really practical, isn't really cost-effective, or just plain doesn't make any sense in the bigger picture. And, as we've seen, these rules tend to stay on the books for a very long time once they're on there, so it's important to get it right."

Change may *actually* be coming on all of those fronts, and soon, according to Hickey. "We're writing a lot of new regulations, and we're doing it one step at a time," he said. "I can tell you that we've reviewed all of the recommendations that came out of the rule-

making committee, and we're currently involved in rulemaking on air ambulance and commercial helicopter operations and crew resource management training in Part 135. We're on target to publish the air ambulance notice of proposed rulemaking (the NPRM) sometime later this summer. And as for crew resource management training, a rule proposed by the ARC, we expect the final rule to be published this fall."

FAA Senior Adviser to the Associate Administrator for Aviation Safety Jim Ballough echoed the assessment that a standardized approach is essential and that transparency is key, noting that the FAA has been working to disposition all the recommen-

dations for the Part 135 ARC Update and that many of the recommendations are in the rulemaking process or have already been published.

Anticipating those rule changes and the mandatory comment period built into the rulemaking process, Rosser urged NATA members to take an active role in responding through the comment process to identify and suggest viable alternatives where there are problems and concerns. "It's very important to get comments in on proposed rules to make sure the FAA gives proper consideration to the issues the industry faces," she said.

At the summit, Hickey reaffirmed that the FAA takes those comments seriously, noting that the administration is currently reviewing comments about the advance NPRM for new pilot certification requirements for air carrier operations, among other proposed regulations.

"We asked for feedback on our proposal to enhance traditional training programs for air carrier crewmember and dispatcher training, and we received a lot of feedback from the public, which we appreciate, and we're in the process of sifting through it now," he said. "So what I want you to know is: We recognize these are all important issues, and we're focused on getting it right. I just want you to know that we get it. We understand that any change in regulations has a ripple effect throughout the industry. That's why it's especially important when we look at implementing new regulations that we make sure we're not just creating more work or having a knee-jerk reaction. Part of our charge as stewards of safety is to make sure we're doing what's right, not what's easy, that we're making changes that will truly improve safety and efficiency and promote professionalism. That's why rulemaking is such a slow and deliberate process."

## A Holding Pattern on FAA Reauthorization

Speaking of slow and deliberate processes, the FAA reauthorization bill also looms on the horizon and was very much on the minds of summit attendees. The House and Senate are currently working to reconcile their versions of the bill, which now includes the flight safety bill.

"Because there are some significant differences in the two versions, the bills will have to be reconciled before the reauthorization can go to President Obama to be signed into law," Hickey said. "So right now, we all just have to wait to see what the final bill holds. The bottom line is that we're in a holding pattern just like all of you are."

As frustrating as that answer may be for just



NATA's Jacqueline Rosser said she is very encouraged by the FAA response to the association's survey showing inconsistent interpretation of federal aviation regulations.

about everybody in the industry, Hickey was right when he said it's important to get it right and implement a safety management system (SMS) to meet current and future demands. The FAA estimates that air traffic will double by 2023, with as many as one-billion passengers, according to Hickey.

"That means we'll have more aircraft and more passengers in the sky than ever before, so we're working with you and our industry partners around the world to increase the safety and capacity of the global civil aviation system," Hickey said. "That's where our Next Generation Air Transportation System (NextGen) comes into play. By focusing on safety, aircraft-centric operations, and aircraft equipage, NextGen is the catalyst for modernizing our air transportation system, transitioning it from a ground-based system of air traffic control to a satellite-based system of air traffic management. NextGen will also shift certain decision-making responsibility from the ground to the cockpit. This is a huge undertaking, and I don't think I'd be exaggerating if I said the future of aviation is tied to the success of NextGen. As we figure out how to meet increasing demand and avoid gridlock in the sky and at our airports, NextGen will give pilots the ability to access real-time information about their location and the locations of neighboring aircraft, which will allow pilots to take more direct routes and fly closer to other aircraft without increasing safety risks."

How likely is it that the FAA reauthorization bill will make it to the President during this legislative session? Rosser is less than optimistic: "The President and the rest of the folks on Capitol Hill have plenty of big issues on their plate right now, and from my perspective it just doesn't seem like there's a fire under anyone to get that done. It wouldn't surprise me at all if they just do another extension and start fresh next session. It's amazing to me that we've gone three years without reauthorizing the agency, but I'm not putting odds on that one way or another."

Other topics heavy on the minds of the summit attendees included charter brokering regulations and collection issues around federal excise taxes when working with brokers and state tax changes and their applicability to Part 135 operators. Change, and some level of anxiety about it, were common themes.

Still, Rosser said the main thing she took away from the 2010 Air Charter Summit was an overall sense that there are clearer skies ahead for the industry. "The word I came away with from the summit was engagement," she said. "Our membership is

feeling very energetic and very engaged right now. The attendance was up, people were very attentive and participating in each of the sessions, and we saw a lot of networking, a lot of discussion, a lot of very spirited Q&A. I think things are headed in a good direction. We're all coming through a very difficult time with the recession, and on the upside of that and as a result of that, everyone's operations have gotten more streamlined and everyone's a lot more focused. Everyone's starting to grow, the travel budgets for events like ours are starting to come back, and people are really seeing the value of these events and wanting to bring the message back to the office and get things moving again. And on top of everything else, we've got very active engagement with the FAA right now. It's been very validating to have this level of response from them, to know that they are very actively listening to us and working with us. It's very encouraging."

Hickey closed out his comments with a similar tone of optimism and mutual collaboration. "Certainly, this is a critical time for our entire industry," he said. "The last decade was difficult on economies and industries around the world, and we were all impacted. But what you do is too important and it matters too much to our economy to ever risk becoming obsolete. So make no mistake about it, you are a critical part of our industry.... We're going to have to embrace accountability, professionalism, excellence, teamwork, partnership, and collaboration. We're going to have to share ideas, implement best practices and lessons learned. We have to be the pacesetter in innovation because we want to determine the speed and the direction of the plane, not chase after it once it's already lifted off. This isn't going to be easy, but if we're committed and if we work together, it will be worthwhile."

The FAA's John Hickey told the NATA audience, "We're all working toward the same goal: a better, safer, more efficient national airspace system."





**AIR CHARTER SUMMIT  
NATA 2010**



Above, Chantilly Air Director of Client Services Terri Farish explains her experience with federal excise tax liability on brokered flights.



During the Charter Brokering Update, DOT Deputy Assistant General Counsel Dayton Lehman (top left) and Priester Aviation President and COO Andrew Priester (above) discuss the impact of upcoming DOT enforcement activities on the industry.



NATA President James Coyne catches up with the FAA's Joseph Conte before the FAA Regulatory Review session.

Below, relevant topics and quality speakers held attendees' attention and kept the sessions crowded throughout NATA's Air Charter Summit.



Right, Summit attendees found value in their ability to ask questions, share information, and raise concerns during the sessions.





Above, the FAA Regulatory Review panel addressed a variety of serious matters, including the implementation of the Part 135 ARC proposals and the inconsistent interpretation of federal aviation regulations. The FAA's James Ballough (right) said that during the rulemaking process, a standardized approach is essential and transparency is key.



Below, NATA Vice President Eric Byer (left), Dennis Keith, and Jim Miller relax during a break between sessions.



During the Transportation Security Administration Update, TSA's John Sammon (above) and Brian Delauter (top) provided the latest security developments affecting the charter community.

Right, the Sensis Corporation's Andy Cebula shares thoughts on the implementation of NextGen while the FAA's Paul Fontaine looks on.



Left, finance and aerospace expert Rolland Vincent discusses the impact of economic decline on the Part 135 community and its outlook for the future.

Right, NATA members chat with Olympic champion, aviation business owner, and longtime pilot Bruce Jenner before his presentation at the ACS Dinner.



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# Bruce Jenner: Winning and Aviation Are in His Blood

*An Interview with NATA President James K. Coyne  
and Vice President Eric R. Byer*

**W**hen James Coyne and Eric Byer asked Olympic Hall of Famer and multifaceted businessman Bruce Jenner to talk to NATA members about aviation in the Aviation Business Journal, he enthusiastically accepted. The interview took place before his riveting presentation at NATA's Air Charter Summit dinner on June 8. Following are some excerpts about Jenner's history with aviation, passion for flying, and views on the industry.

**ABJ: How did you get your start in aviation?**

**Jenner:** When I was a little kid I would go to the airport, sit at the end of the runway, and watch airplanes land and take off, and thought wouldn't that be the coolest thing in the world to learn how to fly, never thinking I would ever really have the opportunity. But then after the games in 1976, all of a sudden I had at least a job and some resources, and I went to Santa Monica Airport to Cannell Aviation and got my ticket, and that kind of started it.

I bought my first airplane in 1978, a Bonanza A36, went back to the factory, met Mrs. Beech, and picked it up. Getting your first airplane is one of the greatest days of your life. I had only about 500 hours at that time when I bought it. I got my instrument rating in it and kept it about three years, and then I bought a 1982 pressurized Barron. Now that one could get me around all over the place. I went everywhere and put a lot of hours on that thing. I went coast to coast, Florida, Mexico; I went everywhere and then sold it.

While I had the Barron, I also bought a Pitts, did a lot of aerobatics, and put about 320 hours on that little Pitts. A guy came up at the airport and said he wanted to buy my Pitts. I had a business relationship with a guy in the South that had a couple of airplanes. Right after I sold it, not really knowing what I was going to do, he had this MU-2 that he wanted to get rid of. He had just spent a year getting it totally redone, and so he said, "I'll make you a deal you can't refuse," and I bought the MU-2.



I bought it through a guy named Rick Crout. He was good friends with my business partner, and he had a small business in Columbia, S.C., and mostly dealt in small planes. I liked dealing with him and liked him as a person. I talked with him, and I said, "Do you want to expand your business? Let's kind of take it to the next level and get into the bigger stuff and see what we can do." That was 22 years ago, and we started Bruce Jenner Aviation, and we've been doing it ever since. That's kind of how it got started because I had an interest in aviation and I also wanted to look at the business side of it.

**ABJ: How many total flight hours do you have?**

**Jenner:** I've kind of lost count, but well over 5,000 hours.

**ABJ: And you're still active, still fly when you can?**

**Jenner:** Yes, mostly with my son, Brandon. He got his pilot's license, and he's always renting stuff. We'll rent a little Super Decathlon and go throw it

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## Bruce Jenner

*Continued from page 21*

around the sky. He's a good aerobatic pilot. He's also a helicopter pilot, so we'll fly helicopters once in a while. Now I'm into RC helicopters, and that's a whole other world. If you think flying an airplane or a real helicopter is difficult, try RC helicopters—it is by far the most difficult thing. I tell people it's kind of like trying to learn how to play the piano and sing at the same time.

**ABJ: Some indicators show that the economy may be getting a little bit better. Are you seeing that on your end, or do you think it's just as bad as it was last year?**

**Jenner:** Through the 22 years that we've been doing it, I've seen all of the ups and downs and the good times and the bad times. The aviation business, our brokerage business, is directly related to what the economy is doing. If the economy is good, business is good. If the economy goes down, business is not good, buyers are hard to find, inventory goes up, and there are planes that you can't move. Obviously for the last few years, the economy has been down and business has been down. Last year we didn't do badly, but everything went out of the United States to Europe—we had one to China, one in the Philippines, a couple in Europe, but nothing was happening in the U.S. The dollar was weak, and people were buying international.

**ABJ: You recently appeared on the Sean Hannity Show and had a really good interview about the fact that the President of the United States flies Air Force One more than any president in**

**history, and he is doing multiple press conferences and bashing the CEOs of the big three automakers for flying in private jets into Dulles. What are your thoughts?**

**Jenner:** Put it this way: I can honestly say I'm not a fan of this administration. The hypocrisy is unbelievable. Here we have probably one of the most ambitious Presidents in history with his agenda, but he tries to demonize anybody else who tries to make something of themselves in the business world. And it is just ridiculous how he can look at business aviation as a perk for CEOs, when it's a business tool. You brought up General Motors. General Motors is an international company; major executives have to move around the world. I can't even imagine trying to do that on a commercial airline. An efficient use of time is so extremely important that big companies can't do that. For companies who have multiple locations throughout the United States that are not near airports, it is an enormous waste of time trying to fly commercially. I have done some promotions using private aircraft where I'll hit four cities in one day, and it's so simple. You can do more business.

For the first time that I know, we've had an administration that really has demonized business and demonized people who do well, whether it's private aircraft, general aviation, or business aviation, and that is just an absolute shame. As I was saying on Sean Hannity, you have to realize in the big picture, we're trying to build jobs in this country. Look at Air Force One; every part inside that aircraft had to be made by somebody, some place. Somebody has to assemble this plane, and there are literally thousands and thousands of jobs. And then you have maintenance that has to be done on the aircraft and guys that are out there filling it up with fuel, and there is a massive industry around this aircraft. Okay, it's not a CEO taking advantage of a perk; this is a very large business.

**ABJ: From your perspective, you've seen campaigns like NATA and AOPA working on GA Serves America and NBAA with No Plane, No Gain. Is there something the GA community is missing in pushing back against**



**the administration and the naysayers about the use of corporate aircraft and business aviation and GA overall?**

**Jenner:** I think it's extremely important that we do a campaign to bring people together within the industry. The only way you're going to have any power is through organizing. We have a President who has never even balanced the budget of a 7-11 convenience store and he is running a trillion-dollar business, but he's a community organizer and that's what he is trying to do. He is organizing his people to try to stay in business. I think the industry really needs to support the organizations that are out there: NATA, NBAA, AOPA, and all of the organizations. You really have to get behind them and get active. I think that is really important because so many people are affected. I think the aviation community in general has to band together and support the organizations that can lobby. But on the other hand, you've also got to be optimistic for the long term. Aviation is going through a tough time right now, but aviation is here to stay and this administration is not. I feel like from our company's standpoint, we are fortunate. We don't have large overhead within our company. We have sales guys, and some of them work from home. We have an office in Columbia, South Carolina, with my partner and a couple of guys there. So we're very small and very flexible. We're fortunate we can pull back and survive when it's slow, and when things are good we'll probably bring more guys back in and start to generate up. We're not this large, massive organization. I've got good guys who do a really good job.

**ABJ: For years, we've worked off the hub-and-spoke airlines, and we're seeing more and more regional aircraft tending to the 121 world where people want to get from point A to point B without a connection. Do you see charter, fractional, and just GA overall becoming more of the predominant mode of transportation than say the commercial aircraft?**

**Jenner:** I would love to see it. They're trying to do the same thing with the new airplanes coming out today that Bill Lear did with the 24, but on half the fuel and ten times the electronics. They're really not going any faster than the old 24, but they're doing it on so much less fuel. More efficient aircraft are coming into the marketplace, and that is extremely important because of fuel prices. I don't see a massive drop in fuel prices in the near future. Back in the old days when it was under one dollar a gallon, that wasn't the expense you had to deal with. Now today you have to seriously look at what your fuel burn is. I'm kind of curious to see where all that is going to settle.

**ABJ: Do you see yourself and Bruce Jenner Aviation also going out there and getting a 135 certificate or getting into the FBO business?**

**Jenner:** To be honest with you, we have thought about that, but I look at the aviation business as kind of like the stock market right now. It's volatile. Because of its volatility, I don't want to do anything that we have a lot of capital involved in. Maybe a year from now, we may be talking a different story. For right now, the thing I like about our little company is that we don't have massive overhead. We basically broker aircraft. We put buyers and sellers together, and it makes it very simple.

**ABJ: Bruce Jenner's perfect day—do you play golf or do you fly?**

**Jenner:** Perfect day, I would go fly the airplane in the morning, and then I love to wash my own airplane, my MU-2. I used to go in there and scrub it down. I kept it at Clay Lacy's, and the guys would ask, "What the hell are you doing? You can get somebody to do that." And I said, "No, I love cleaning my plane." I put 1,500 hours on my MU-2, and it never gave me a problem—it was a great little aircraft.

**ABJ: Any reason you gave it up, or was it just one of those things where you had a good buyer show up?**

**Jenner:** I had a buyer all of a sudden show up, and so I thought, "Well I'll get rid of it," thinking I would get something else, and then fuel prices went nuts and then kind of holding up right now until things settle down.

**ABJ: Of course your family is so famous now, and your children are more famous than any people on the planet...**

**Jenner:** On the cover of everything, aren't they?

**ABJ: Does that generation have the same appreciation for private aviation as our generation does?**

**Jenner:** Good question. A person's need or curiosity with aviation hasn't changed. Like I was saying, when I was a little kid I'd go to the airport and watch the planes take off and land and think, "Man, wouldn't that be something to fly that airplane?" And I think every young person still has that in them. So I don't think that changes. Now, would it be economically feasible for them to do that? I think that gets a little tougher. So I think that limits a lot of people from getting into it, but I also think young men and women still just have a fascination because there is nothing like it. I don't think that changes. Now the economics of it, we'll see. 



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# Airport Terminal Services: 35 Years of Stellar Ground Service

By Paul Seidenman and David J. Spanovich

**W**hen Airport Terminal Services (ATS) was founded in 1975 as a subsidiary of Midcoast Aviation in St. Louis, it was established as a commercial outsourcing entity for Lambert-St. Louis International Airport's first international facility. "For the time, it was truly visionary to have an independent provider offer complete services to domestic and international carriers at common use airport facilities," ATS President and Chief Operating Officer Sally Leible said. "For those carriers that did not have leaseholds at the airport, we provided a full-service, one-stop package to include fueling, passenger, ramp, security, and skycap services. As the airport's agent, we collected all of the airport fees (such as landing, customs, fuel flowage, etc.) and remitted back to the airport. ATS continues to act in this capacity by managing the common use facilities in Terminal 2."

What ATS did at St. Louis is no longer such a revolutionary concept, especially as airlines continue to outsource more. Now in its 35<sup>th</sup> anniversary year, ATS is still headquartered in St. Louis but has expanded to 34 U.S. and Canadian airports and serves more than 100 air carriers.

"Our view is that we are a medium-size player in the North American market, which we think is an advantage," Leible said. "We are not so small as to have a 'mom and pop' identity, but we are not so large that there is a bureaucracy to deal with. We are nimble and make decisions quickly, and we can clearly demonstrate our financial stability and service capabilities."

Privately held by Chairman and CEO Richard Hawes, who acquired the company in 1994 from one-time Midcoast owner TWA, ATS provides airline ground handling under four broad categories of service. "We offer ramp handling, which involves the loading and unloading of baggage and cargo; passenger services, which includes ticket counter



ATS employees offload KLM in Toronto.

and gate and VIP lounge staffing; cargo warehousing, which handles belly freight; aircraft interior cleaning, fueling, and airport terminal facilities management," Leible said.

While ATS, as a privately held company, does not publicly disclose financial information, Leible reported that about 65 percent of the firm's revenues are derived from "below wing" services, which encompass any functions performed on the tarmac that come in contact with the aircraft, such as fueling or push-back. "The remaining 35 percent comes from the 'above wing' functions, which include passenger handling within the airport terminal building," she said.

Although ATS operates at a few international gateway airports, Leible said that smaller airports actually have been the company's primary growth driver. "Our niche is mainly in the second- and third-tier airports because our competitors have tended to favor the large gateway locations," she said. "As it has turned out, our focus on the smaller airports has proven very successful for us."

Given its market niche, about 85 to 90 percent of

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## Airport Terminal Services

Continued from page 27

the company's airline contracts are with U.S. and Canadian domestic carriers, but ATS is enhancing its portfolio of international carriers, primarily in Canada. Leible noted that ATS initially established itself in Canada in 1999 with the acquisition of a Calgary-based company, giving ATS a presence at Calgary, Edmonton, and Winnipeg.

"We entered Canada because our customers were requesting service in support of their trans-border operations," Leible said. "Clearly, we liked the results and have expanded our business dramatically in Canada with contracts at an additional five airports."

Those five airports are Montréal-Trudeau International, Saskatoon John D. Diefenbaker International, Regina Airport, Vancouver International, and Toronto-Pearson International. Toronto has emerged as ATS' strongest location for contracts with global carriers, which currently include KLM, Air France, TACA, EVA, and LAN.

In Canada, as in the U.S., ATS provides above- and below-wing services, except at Vancouver International Airport, where the company's permit was issued for only passenger terminal side services. "While we went into Vancouver with that understanding, our hope is that we will be granted a ground handling permit there at some point," Leible said. ATS' clients at Vancouver are United Airlines, Continental, US Airways and Lufthansa.

In addition to providing ground services to passenger carriers, ATS handles UPS and ATI freighters at Calgary International and Portland (Oregon) International. The company operates cargo-warehousing facilities for the handling of belly freight at Florida's Fort Lauderdale-Hollywood International and Southwest Florida (Fort Myers) airports, Houston George Bush Intercontinental, Portland International, and San Jose (California) International airports.

Leible reported that ATS continues to seek niche opportunities for into-plane commercial carrier

fueling and fuel facilities management, which are currently at just three locations: Terminal 2 and the air cargo facility at Lambert-St. Louis International Airport and Charleston (South Carolina) International Airport. At both airports, ATS performs contract fuel farm management.

The other ATS fueling location is MidAmerica Airport, a joint military-civilian operation at Scott Air Force Base in Belleville, Ill. "At MidAmerica, we fuel military and civilian aircraft, which tend to be commercial charters. The plans for MidAmerica to become an air carrier reliever airport for St. Louis never really materialized," Leible said.

Along this line, the company's fueling operations also include general aviation aircraft, with a single FBO at Lambert-St. Louis International. The ATS Jet Center is staffed 24/7 and offers complete passenger and pilot amenities, but no based aircraft. About 90 percent of its fuel sales are for Jet A.

"The FBO caters strictly to transient customers," Leible stressed. "Since there are no hangars to maintain for based customers, we've been able to (market) it as a good one-stop option for discounted fuel."

Although ATS' main business is not FBOs, Leible said that further FBO development is not off the table. "We like the FBO business model that allows us to expand our fueling capabilities at a given airport, and if we can replicate this model at other locations, we would," she said.

Leible reported that the company is well positioned for a predicted recovery in airline traffic, despite the impact of the economy and the merger of two leading customers, Delta and Northwest. Projections are that ATS' 2010 revenues will be off by 10 to 15 percent compared to 2009. "Following the merger, the combined carriers reduced a large

An ATS employee services Virgin America in Toronto.



An ATS employee removes cones for the departure of KLM in Toronto.



portion of their expenditures for outsourcing,” she said. “As a result, we had to close some locations, and there were some layoffs. But we are looking at a full recovery and some growth by 2011 as a result of some recent contracts.”

In fact, because she is confident that the company is once more entering a growth mode, Leible said that an additional sales director was brought onboard.

“The RFP (request for proposal) arena is fairly robust at the moment, and most carriers are very active in creating new opportunities,” she said. “We have also begun to see some new service to new markets. As one example, our recent contract award with Air Tran is for their new service to Huntsville. Another is our contract with Virgin America in Toronto, where they just launched new service.”

ATS also landed US Airways at St. Louis. “When US Airways decided to outsource aircraft handling at the location, we responded to their RFP and won the contract. That was a very big win for us,” Leible said. Other new contracts include Jet Blue at Portland, Ore., and Air Canada in California at San Diego and Orange County. “Going forward, we prefer to grow organically within the current network that we have,” Leible said. “We always look at new locations and evaluate the ability for ATS to

grow the sales base beyond the original contract.”

Although it operates no locations outside of North America, ATS has been able to “obtain an international footprint” through its membership in the Aviance Alliance, which is comprised of 11 member airline handling companies in Europe, Africa, and India.

“Our philosophy is to work with our other members to share strategy and costs in sales and marketing through cross pollinating our common custom-



ers,” Leible said. “Our mission is that we are global but with expertise in our backyard, the U.S. and Canada.”

ATS adds new locations, Leible explained, by responding to airline RFPs or inquiries following an extensive due diligence process. “When a carrier tells us that they have a requirement for a ground handling company at a certain location, we will send someone out to that location to do a cursory survey to determine the viability of providing a service there,” she said. “We’ll also contact the airport authority to get a sense of the market. Along with that, we ask a lot of questions about the local labor market and check to determine if that location is a good fit for our model of doing business. Of course, we need to get a complete understanding of the regulatory requirements involved with working at the airport, as well.”

In the competitive world of airline ground handling, Leible believes that ATS has differentiated itself through an intensive employee development program, which includes NATA Line Supervisor Training for those involved with into-plane fueling. She called that an “invaluable resource.”

There is also “ATS University,” which was established 10 years ago as a leadership development program. “The training is predominately for supervisors and above, and it is structured as a leadership course devoted to the philosophy of treating your employees with respect and creating a working environment that will deliver the best results,” she said. “We have closely evaluated the effects of this training and firmly believe that there is a direct connection between our best-performing stations and the ATS graduates assigned there. We are extremely proud of this, and even during this recession, we continued to invest in ATS University and the quality of training it offers.”

At a time when airline vendors are coming under increasing pressure to reduce costs, ATS has not been immune to that trend. “We painstakingly and continually review our costs and take measure wherever possible to ensure we are operating pro-



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its usage for airlines that could restrict ground handling services to ISAGO0-certified companies. "Right now, all IATA member carriers are committed to the ISAGO program, and it's already used by some carriers," she said. "Our headquarters office has already been through the ISAGO audit, which focused on our SMS program. The next step is for the ISAGO representative to go into the field to see how well the SMS is being implemented. Once that part of the audit is passed, we will be ISAGO certified."

In a recent safety-related development, ATS has added a full-time director of deicing services. "It's a very specialized field, and with newly proposed EPA regulations concerning deicing, we felt we needed to have someone who would focus solely on that," Leible said. (See sidebar on page 30.)

One area now being contracted out increasingly is line maintenance. Leible reported that ATS has looked at this and does not offer it now, but she predicted that line maintenance could become an integral service component of ground handling services. "I think at some point, ATS will be asked to provide line maintenance," she said. "If so, we'll either do it on our own or by partnering with a specialist."

For now, Leible noted, the industry faces some operational challenges, given the ramped up airport security in recent



ATS passenger service employees check in EVA Airlines in Toronto.

### Airport Terminal Services

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ductively," Leible said. "We have tools to ensure that we measure and monitor our primary costs, which is labor."

Leible is quick to point out that cost controls will not impact the company's safety program. "We have a very strong safety management system (SMS), which is patterned after a new IATA program known as the IATA Safety Audit for Ground Operations (ISAGO)," she said. "This is an international ground handling audit standard that is now coming to the U.S. ATS, in fact, is on the ISAGO steering committee."

Participation in ISAGO, Leible said, allows a representative from the organization to audit a ground handling company at a given location, which clears

years. One of the biggest issues involves employee badging. "Access to the field requires a badge that is issued only after an extensive background check, and the waiting periods vary from one airport to the other," she said. "At some, it's as little as three days, and at others, as much as three weeks."

The process, she explained, gets further complicated when the ground handling staff works international flights because that requires a customs seal issued for the badge by U.S. Customs and Border Protection. That, too, involves a background check, as does authorization by the U.S. Postal Service to handle mail. This creates a lot of redundancy in the processes. "When you are a company working at multiple locations, like ATS, you need ease of access for your employees at various locations, but the badge, itself, is not transferable from one airport to another," Leible said.

This means that if an ATS employee stationed

at St. Louis must go to Baltimore to repair some ground service equipment, for example, that employee would not have access to Baltimore Washington International Airport, even for a temporary period. "If there was only one system that would badge everyone for all airports, it would actually strengthen security."

Leible credited both NATA and the Airline Services Council with helping the ground service industry attack the problem. "The council has developed a very meaningful dialogue with TSA to give them an awareness of the issue and to get all of us together to seek a solution to this problem," she said.

Leible said that future growth for the airline ground handling industry appears to be predicated on the relentless drive by the carriers to trim expenses wherever possible. "At ATS, we believe that as the airlines continue to focus on cost reduction, they will seek a total airport solution and find more creative ways to use ground handling companies. We will provide that on our own or with an appropriate partner."

ATS employees load KLM'S MD 11 in Toronto.



## National Deicing Standards Coming

The Environmental Protection Agency (EPA) is projecting implementation of the first national rules for airfield and airplane deicing during 2011. The proposed regulations, published in the August 28, 2009, *Federal Register* as the "Effluent Limitation Guidelines and New Source Performance Standards for the Airport Deicing Category," were open to public comment through February 26.

"While there are some state and local regulations pertaining to airport and aircraft deicing, the EPA rules will be the first ones to target this issue on a national level," said Mary Smith, EPA's Director of the Engineering and Analysis Division, Office of Water. Her office focuses on wastewater discharge from industrial sources, including airports.

According to Smith, the regulations will focus on airfield deicing (which pertains to runways) and, separately, the deicing of aircraft. "This will impact about 200 airports in the U.S. that do airfield deicing and about 110 airports that have aircraft deicing operations," she said.

On the airfield side, the regulations will specifically address ammonia discharge, given that about 55 U.S. airports still use urea, an ammonia-containing chemical, for runway deicing. Ammonia is considered a toxic substance.

Under the proposed aircraft deicing regulations, 14 of the largest U.S. airports will be mandated to operate a centralized deicing pad with a self-contained provision for chemical capture. Smith said that eight of those airports are already using deicing pads.

For the remaining 96 airports (of the 110 targeted by the regulation), aircraft deicing will be allowed at the gate as long as the procedure uses a Glycol-recovery vehicle or some other technology that can sweep up the deicing chemicals as they run off the aircraft to prevent them from reaching the service water.

Since the close of the public comment period, the EPA has been reviewing the comments and identifying some of the issues raised. "On the basis of the issues that have been identified, a further analysis of the proposed rule is taking place," Smith said. "We are looking at what we may want to change or modify. Once that is accomplished, OMB (Office of Management and Budget) will review the rules prior to implementation."



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# The Broker Issue

By Lindsey McFarren

**A**t NATA's recent Air Charter Summit in Chantilly, Va., two sessions focused on charter brokering, and as I listened to the speakers I realized that as long as I've been affiliated with NATA (almost 5 years now) there's been "the broker issue."

Granted, "the issue" actually refers to a few different topics, but within the industry we frequently just refer to those topics collectively as "the broker issue." The issue has grown and evolved over the years, but certificated air carriers continue to struggle with several concerns related to brokering, ranging from deceptive marketing practices to financial fitness of brokers and tax liability for brokered trips. Good brokers continue to fight against the negative connotation that has somehow come along with the term "broker" in the past several years. All of the industry looks to the DOT, the IRS, or the FAA for an answer. Two of these issues received significant attention at the Air Charter Summit: Should brokers be required to gain DOT approval before conducting business? Who is liable for federal excise taxes that result from brokered flights?

## Broker Financial Fitness Tests: A Double Standard?

Dayton Lehman, DOT deputy assistant general counsel in the Office of Aviation, spoke at the summit, and Andy Priester of Priester Aviation moderated the session. Lehman told attendees that a long-awaited Notice of Proposed Rulemaking (NPRM) regarding air charter brokering activities will be released sometime this fall. This NPRM will be the latest in a long line of DOT notices, guidance, and other publications regarding charter brokering. (It seems that the DOT understands the value of eating an elephant one bite at a time, demonstrating a level of restraint that could be a shining example for some other government agencies.) Most charter operators get excited when they hear of this NPRM, while brokers—the good, the bad, and the ugly—get nervous. I urge you to temper your excitement or anxiety with caution.

Two of the most notable DOT broker-related documents are affectionately referred to by the industry as "Broker I" and "Broker II," notices published by the DOT in 2004 and 2007, respectively, to provide guidance to DOT enforcement actions. Broker I can be summarized by two simple ideas:

1. To hold out or otherwise engage in air trans-



DOT Deputy Assistant General Counsel in the Office of Aviation Dayton Lehman discussed a variety of the agency's broker-related activities with attendees at the NATA Air Charter Summit.

portation, an entity must either hold economic authority from the DOT (or qualify for an exemption) or be either the agent of the charter customer or the agent of the direct air carrier. A broker may not be the principal in a transaction between the two parties. In short, a broker is considered a "ticket agent" in DOT terms.

2. As a ticket agent, an air charter broker is prohibited from holding out to the public as if they are actually an air carrier. Terms like "our fleet," "our crews," and so on are likely to get a broker in trouble with the DOT. The bottom line on this one is not to advertise as if you are a certificated air carrier if in fact you are not. "Holding out" in basic terms is an advertisement or offer to provide a service, whether the advertisement is a website, brochure, or even verbal marketing.

Broker II is also known as "the Napkin Notice." Published in 2007 smack in the middle of the FAA's operational control frenzy, the Napkin Notice stated that requiring or recommending that an air carrier distribute a broker's branding materials such as napkins, crew cards, brochures, and other items might be deemed as "unfair and deceptive practices." As with most enforcement action, it's not the mere presence of branding materials in and of itself that could be deemed an unfair and deceptive practice, but the totality of the circumstances could create the impression that the air charter broker is

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## The Broker Issue

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actually the air carrier. The 2007 publication of Broker II (a.k.a., the Napkin Notice) led to an industry-wide burning of broker logo napkins in effigy (or at least it did in a bizarre dream I had).

In 2005, between Broker I and Broker II, the National Transportation Safety Board made several recommendations to the DOT as a result of the 2004 Montrose, Colo., Challenger 601 fatal accident. Before the Montrose accident, the air carrier originally contracted to operate the flight sold the trip to another carrier. Although the accident was related to aircraft icing on takeoff and the crew's inexperience with winter weather, the NTSB eyed another concern with the charter industry when it had trouble sorting out details of who was responsible for the flight. (It's probable that the 2005 Teterboro Challenger 600 accident also influenced these recommendations.) Specifically, the board recommended that customers of on-demand air taxi services be advised, at the time they contract for a flight, of the name of the company with operational control of the flight, any "doing business as" (DBA) names contained in such company's Operations Specifications (OpSpecs), the name of the aircraft owner, and the name of any broker involved in arranging the flight. The NTSB also recommended the customer be informed of any changes made to the details listed above.

The DOT issued an Advanced NPRM addressing these recommendations in 2007 and received a few dozen comments. Lehman reported the major objection was the proposed requirement for the operator to disclose to passengers the name of the aircraft owner. The 2007 ANPRM is the predecessor to the upcoming NPRM. (NATA responded to this ANPRM on behalf of its members. A copy of the comments can be found at [www.nata.aero](http://www.nata.aero).)

However, the charter industry seems more interested in financial fitness of brokers than in a five-question pop quiz designed by the NTSB. Lehman cautioned the group that this year's NPRM will not necessarily establish bond or escrow requirements or a registration system for brokers, but that it could request comment on financial fitness tests or a potential requirement for brokers to register with the DOT in some way. Many in the industry think air freight forwarders should be the example for charter brokering registration because they function under a DOT exemption. Lehman addressed this concept head-on, saying air freight forwarders are required to give customers notice and to maintain specific liability insurance on cargo, but there is no financial fitness test. And consider this: Air charter operators do not have escrow requirements nor do

they have to submit a business plan to the DOT, so why should brokers have to?

Priester reminded Lehman that air carriers have a financial investment in aircraft, the certification process and requirements, and more but that brokers have no financial investment. Lehman agreed that this is a valid point but asked how would the DOT establish financial fitness requirements? How much government oversight would it take to implement a registration system or financial fitness tests? Would a registration of some sort actually provide value, or would it just give brokers a governmental stamp of approval with no real review?

The NRPM will be out sometime this fall and will likely have the typical comment period of 60 days. The earliest a final rule would be published is 8 or 9 months after the NPRM is published. The DOT might request comment on some of the questions above, but charter operators should not expect a quick fix from this NPRM. Typically, the further the proposed requirements in an NPRM are from the items included in the ANPRM, the longer it takes a department or agency to draft a final rule and get it approved by the Office of Management and Budget.

I am cautiously optimistic about the upcoming NPRM. The DOT has made it clear over the past several years that it does not want to get into the business of certifying or approving air charter brokers so I don't expect this NPRM to address all of the charter industry's concerns. I do believe it will clear up some of the muddy water that still surrounds brokering, but I think in the end if the industry wants regulation or certification, the industry itself is going to need to develop a standard and establish a regulating body. Do you think an industry can't successfully self-regulate? Look at the National Association of Realtors. It has single-handedly defined the standard for real estate professionals in the United States. Its more than 1

### DOT Broker-Related Activity

2004	"Broker I" Notice published
2004	Montrose, Colorado, Challenger accident
2005	NTSB makes recommendations to DOT regarding air charter brokers as a result of Montrose accident
2007	"Broker II" / "The Napkin Notice" published
2007	Advanced NPRM based on NTSB recommendations issued
2010?	NPRM expected this fall

million members agree to abide by a strict code of ethics and may earn certification of professional development through education. It is a model worthy of examination and research.

## The Broker Taxes Game

Another hot broker topic at the Air Charter Summit was federal excise tax liability on brokered flights. This is related to the discussion above because it involves the financial fitness of the broker. Eileen Gleimer, an aviation attorney with Crowell & Moring, and Terri Farish, director of client services for Chantilly Air, presented this topic.

Here's the scenario that keeps some charter operators up a night: You're a charter operator and have completed a flight for fictional Cheapo-Charter charter broker. You were paid only for the fees related to transportation (no additional funds for taxes) believing the broker, as the entity collecting the funds, is liable for the taxes. Then the broker files for bankruptcy and the IRS comes looking for its money....

Complicating this issue is the fact that IRS and DOT regulations are inconsistent. According to the DOT, only an indirect air carrier may act as the principal (and charter brokers are not indirect air carriers), but the IRS doesn't care if the charter broker collects and remits, therefore acting as the principal and not an agent of either the charter operator or the customer.

In light of the conflicting definitions, how do you as a charter operator protect yourself from a broker who does not remit taxes because of ignorance, oversight, financial distress, or outright fraud? Gleimer said one option is for the Part 135 operator to collect from the broker and remit the full FET, including the FET charged on the broker's markup. Similarly, an air carrier could collect all fees from the passengers and pay the broker its commission/fee, keeping the transportation fees and full FET charged and then remitting the FET to the IRS directly. Unfortunately these possibilities are unlikely to work in reality. Most brokers don't want to admit what their markup is on the trip.

Another option is to collect the FET on the operator's portion from the broker, and then the broker has to remit the FET on only his or her service fee. This mitigates, but does not eliminate, your risk in the event of an audit. If the IRS comes to you as an operator for an audit and the broker didn't pay FET, you would be on the hook (appropriately or not) for a smaller portion of FET—just the amount for the broker's service fee. Although the broker wouldn't

have to tell you its markup for this scheme to work, this is definitely a change from the current custom and might require some cajoling.

What about trips you've flown for brokers in the past? How do you defend yourself against IRS questions? Farish reported from her and other charter operators' experience that in cases where the operator has not collected FET but has indicated on the broker's invoice that the broker is responsible for all FET, the auditor has simply asked for contact information for the broker. She didn't know if the IRS tracked down the brokers or investigated in any way, but she did not have a repeat IRS visit or request for more information.

These risk mitigation strategies, including a statement in all contracts, invoices, and other documents between operator and broker saying the broker is responsible for remitting full portion FET, have to date been acceptable to the IRS. But it only takes one enforcement case to send the entire industry scrambling. There is a pending enforcement case involving a broker that went out of business and didn't pay owed FET. Now the IRS has a list of operators the broker dealt with. Where will the IRS go to get its pound of flesh? The broker is, well, broke. It remains to be seen if the charter operators will be held liable for these missing FET funds.

In the end, a contract or agreement with a broker does not alleviate the air carrier's liability to collect and remit. As Gleimer said, "Just having an agreement with the broker, even in writing, is not going to change your legal obligations to the IRS."

## The Bottom Line

After a brief six-year history of "the broker issue," the topics are clear as mud, right? An upcoming DOT proposed rule might address some of the industry's concerns, but I caution you not to lean too heavily on government regulation to define the broker aspect of our industry. Remember that charter operators are often brokers, too, selling off trips due to mechanical issues or otherwise unavailable aircraft. Any DOT-regulated financial fitness test or escrow requirements for a "ticket agent"-type broker could well spill over to the traditional charter operator.

If you have suggestions on how to handle "the broker issue" (pick one, any one), I would love to hear them. And so would NATA! 

*Lindsey McFarren is president of McFarren Aviation Consulting and can be reached at [lindsey@mcfarrenaviation.com](mailto:lindsey@mcfarrenaviation.com) or (703) 445-2450.*

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# What You Need to Know About Environmental Policy

By Dennis van de Laar

**T**here are few topics that evoke more mixed feelings than environmental policy. Ever since the inception of the U.S. Environmental Protection Agency (EPA) back in 1970, we have seen a steady increase in environmental regulation and legislation.

Our planet is becoming more crowded, more land is built upon, roads are getting busier, and our nation's airports and skies are getting more crowded. This increase in population has resulted in more neighborhoods being located closer to airports and more people being subjected to aircraft noise and emissions. Based on Federal Aviation Administration (FAA) calculations, domestic enplanements are expected to double by 2025, reaching 1.5 billion per year. The FAA also noted that the international aviation market is expected to grow even faster. As aviation grows, so does the load at our nation's airports and with it, environmental concerns.

A 2004 study by the Massachusetts Institute of Technology stated that "immediate action is required to address the interdependent challenges of aviation noise, local air quality, and climate impacts. Environmental impacts may be the fundamental constraint on air transportation growth in the 21<sup>st</sup> century."

Thanks to improved business practices, aircraft operators are now flying quieter and more efficiently, with improved routes, which considerably reduces environmental impact. According to data from the Intergovernmental Panel on Climate Change, aviation accounts for only 3 percent of greenhouse gas (GHG) emissions worldwide. Since 2000, the U.S. aviation industry has managed to reduce its GHG emissions by more than 13 percent.

This article touches briefly on some of the major initiatives, domestic and abroad, that may affect the way you run your business today and in the future.

Recognizing the breadth of the subject matter, sub-topics such as noise and hazardous waste regulations will be beyond the scope of this article.

## The European Union's Emissions Trading Scheme

The Emissions Trading Scheme (ETS), launched in January 2005, is basically a "cap and trade" program to reduce the emissions of carbon dioxide (CO<sub>2</sub>) and other GHG. ETS comes as a response to the Kyoto Protocol and the European Union's (EU) concern regarding aviation's relatively high growth rate. ETS originally covers more than 10,000 installations in the energy and industrial sector, which accounts for roughly half of the EU's total GHG emissions. Each EU member state is responsible for creating its own regulations to implement ETS.

Beginning in January of this year, all flights, including flights by U.S.-based and registered aircraft, conducted to, from, or between EU airports in an aircraft with a maximum takeoff weight greater than 5,700 kg (12,566 pounds) are included in ETS. Certain flights, such as law enforcement, military, training, and flights by commercial operators with minimal operations in the EU, are exempted. Covered operators have been assigned to a specific EU-member nation for compliance verification. ETS rules require covered aircraft operators to monitor their GHG emissions for a calendar year then purchase and remit "emissions credits" in an amount equal to their yearly emissions.

ETS participation is mandatory unless exempted, and any aircraft operator found in noncompliance could be subject to stiff penalties, including impounding of aircraft. Because ETS regulations are issued by individual EU member nations, it is vital to be aware of the expectations and requirements

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## Environmental Policy

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of the EU member country to which you have been assigned.

### American Power Act

On May 12, U.S. Senators John Kerry (D-Mass.), chairman of the Committee on Foreign Relations, and Joseph Lieberman (I-Conn.), chairman of the Committee on Homeland Security and Governmental Affairs, introduced comprehensive energy and climate change legislation titled the American Power Act. The bill sets national emission reduction targets but separates industries into three categories: power plants, heavy industry, and transportation. The emission reduction plan is to reduce U.S. GHG emissions to 17 percent below 2005 levels by 2020 and 80 percent by mid-century.

The legislation includes a provision addressing international aviation emissions by requiring that the U.S. actively promote, within the International Civil Aviation Organization, the development of a global strategy for the regulation of GHG emissions from civil aircraft. The bill directs the EPA and the FAA to establish a program to distribute allowances (not a cap-and-trade program) for the GHG emissions of the fuel used for an air carrier or foreign air carrier engaged in foreign air transportation.

The bill would first install a cap-and-trade program on electric utilities, followed six years later on manufacturers and other energy-intensive and trade-sensitive industries like steel, concrete, and chemical. It would also require the transportation sector to purchase emissions allocations, but at a fixed price and outside a carbon-trading market. A large amount of the transportation sector revenue would go to boost the federal highway trust fund. The bill also includes a provision to allow drilling as close as 75 miles offshore.

While the provisions in the act are currently merely in draft form, the potential regulations could directly affect the way you conduct your international scheduling. Part 121 and Part 135 operators are likely to be directly affected. Part 91k operators should pay close attention to any future movement on this, as well. The debate on cap and trade for the aviation sector is likely to continue.

### The Clean Air Act, NAAQS, and Avgas

In November 2007, the Friends of Earth (FOE), an international network of environmental organizations, petitioned the EPA calling for the removal of lead from avgas. FOE referred to section 231 of the Clean Air Act as a basis for its request. In a notice for petition of rulemaking, FOE stated that “lead

emissions from general aviation aircraft cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare” and then requested that the “EPA propose emissions standards for lead from general aviation aircraft.” Several studies have indicated the damaging effects of lead, particularly on the intellectual development of young children.

The Clean Air Act of 1963 was amended in 1990, giving the EPA direct authority to control air pollution by means of regulating emissions sources. Contained in the Clean Air Act is the National Ambient Air Quality Standard (NAAQS). The NAAQS regulates emissions such as nitrogen oxides, carbon monoxide, unburned hydrocarbons, and particulate matter. The EPA recently updated the NAAQS for lead by reducing the allowably airborne lead content by 10 times. The NAAQS requires all states to monitor ambient lead levels around major sources, including general aviation airports and large population centers. If any of the monitored areas fail to meet the standard for airborne lead, the state is required to develop and implement a plan to reduce lead levels. Should a state fail to meet the federal implementation guidelines on reducing its emissions, it risks losing federal transportation funds and its emissions control would then be directly controlled by the federal government. As general aviation is identified as the largest source of lead emissions, states could attempt to limit fuel sales or flight operations to meet the NAAQS standard. The advanced notice of proposed rulemaking issued by the EPA, while not a result of the NAAQS, is a direct response to the FOE petition.

Due to the substantial ramifications on users, manufacturers, and distributors, it is imperative that this process be guided closely by industry in cooperation with the FAA and EPA. Before we move to an unleaded future, it is critical to understand the impacts on production, distribution, and the environment and the cost of all of the proposed and potential solutions as well as how they will work in our aircraft. An unleaded future must be one in which we can continue to depend on safety and cost efficiency so it removes the uncertainty with current and future aircraft owners and manufacturers and fuel distributors.

By the time this publication is in your hands, a coalition of major industry associations representing general aviation stakeholders, pilots, aircraft owners, operators and manufacturers, fuel producers, refiners, and FBOs will have called upon the EPA to consider carefully the impact on our industry. This coalition is dedicated to ensuring that a

future without lead considers not only the safety and economic impact on our industry, but also adequately addresses the environmental concerns.

## What You Can Do Now

Understanding that environmental policy will not go away any time soon is crucial. Domestic and international authorities are intensifying their efforts to regulate the environmental impact of the aviation industry. General aviation and U.S. airlines are doing a better job transporting passengers on less fuel by improving scheduling, increasing load factors, and generally undertaking fuel-saving measures by using more fuel-efficient aircraft and engines. Major technological advances have allowed us to fly more efficiently, using less gas and pushing out less harmful emissions, but as traffic increases, the impact of the industry on the environment will continue to increase. General aviation is a true asset to the economy of this country and gives us a competitive edge in the global marketplace. We must make sure our lawmakers understand the great benefits our industry provides this country and ask them to consider carefully the immediate effects of environmental regulation on you and your business. Make your local, state, and federal lawmakers aware of the challenges our industry faces so they may balance business impact with environmental benefits. The regulatory authorities play a critical role in ensuring that decreasing environmental impact does not result in unnecessary economic burden on the industry. Initiatives such as the FAA's NextGen are critical to reducing congestion in our skies and at our nation's airports, thereby minimizing unnecessary emissions and noise output while improving the efficiency of our air transportation system. Authorities should also be ready to invest in additional research on the detrimental effects of aviation activity on human health. We should be cautious of anecdotal information on the impact of our industry and ask authorities to use due diligence in regulating our environmental impact.

While 90 percent of GHG emissions occur in flight (FAA, *Aviation & Emissions: A Primer*, 2005), environmental awareness extends to your operations on the ground. Like safety, it pays off for you and your business to be proactive in not only merely complying with legislative and regulatory developments, but in improving the efficiency of your business. Look closely at your company and determine where you can improve. Maximizing cost efficiency and being environmentally con-

scious can go hand in hand. Think of larger management changes, such as streamlining your labor, or relatively small things, such as closing doors, turning off lights, shutting down APUs, pumps, and other machinery or equipment, or limiting the use of ground vehicles. Small things that won't cost you a dime can end up saving you a buck.

Your NATA membership is a critical component in ensuring that your business will thrive in a new environmentally friendly landscape. NATA staff will continue to monitor the regulatory and legislative airwaves for items that affect your business now and in the future.

The NATA website ([www.nata.aero](http://www.nata.aero)) is a tremendous resource for white papers, legislative and regulatory updates, news stories, and blog posts on what you need to know about environmental policy. Our membership and staff offer a wealth of information to point you in the right direction, ensuring that you stay ahead of the environmental game. Do not hesitate to send us an email or give us a call. 

*Dennis van de Laar is manager, regulatory affairs for NATA. He can be reached at [dvandelaar@nata.aero](mailto:dvandelaar@nata.aero).*



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# DCA—Your Competition Is Practicing; Are You?

By Lindsey McFarren

**G**eneral aviation operations at Washington Reagan National Airport (DCA) hit a post-September 11 high in May of this year: 42. That's 42 operations—a landing counts, a takeoff counts. Forty-two. Were you one of those operators? Did one of those flights depart from your FBO?

Signature Flight Support at DCA used to see about 120 operations a *day*. I bet you were one of those operators or some of those flights departed from your facility. How many DCA trips did you fly in the typical year? More importantly, what's keeping you from going back? If you run an FBO, why aren't you an approved gateway facility?

Oh wait. I know. It's the big bad DCA Access Standard Security Program (DASSP) and all of its requirements. Let me quickly agree with you that the DASSP requirements have been cumbersome.

- Aircraft operators must have a guy with a gun on board. The guy with the gun is likely to be the only guy on the plane you *don't* know because you hired him for the day from a service provider.
- Aircraft bound for DCA must depart from a DCA gateway. There are only 28...29...30 of them. (That's the count on the day I write this article. Saginaw, Mich., and Nashville, Tenn., just joined the gateway ranks.)
- Operators must submit an aircraft tail number, crewmember names, and passenger names at

least 24 hours in advance.

- Passengers must show up 2 hours early for screening.  
But wait! Several DASSP policies have changed in recent years! Here's how.
- New gateways are being reviewed and approved, if appropriate. All you have to do is ask. The no-brainers are FBOs at federalized airports. Is there commercial airline service on your field? Your odds of a gateway approval are pretty darned good.
- If you have more than one aircraft that might make the trip, submit more than one tail number. Submit two. Send in three. It really doesn't matter much. Just make sure the plane that shows up at the gateway for TSA inspection has been submitted at least 24 hours before the flight. Do the same for flight crews. Send in a backup crew in case of schedule changes or illness.
- Passengers can arrive to the aircraft as little as 15 minutes before departure at most gateways. Talk to your local TSA officials to see how much leeway they are willing to give.

But still. Some requirements or policies haven't changed and remain a little pesky.

- You still don't know the guy with the gun.
- You still have to send passenger names at least 24 hours in advance. So send 'em all. The CEO's staff assistant might come along? Throw \$15 in the coffer and send his name in. The worst that happens is that he doesn't show up. Deletions are accepted. Additions are not.

I was a musician as a kid. I played a mean clarinet. Some days a few hours of solo practice after three hours of orchestra practice did not seem like fun (to me or my poor family). But this little phrase always came to my mind, "While you are resting, your competition is practicing. When you meet in head-to-head competition, they will win." And I wanted to win.

Guess what? With well over 100 DASSP-approved operators, it is quite possible your competition is practicing. If you aren't approved for the program, you are

Among the passengers on the first post-9/11 general aviation flight into DCA were (from left) Reps. Jim Moran, Tom Davis, and Vern Ehlers, as well as NATA President James Coyne.



losing. Do you think that's a little melodramatic? Maybe. But put yourself in your clients' shoes. If clients know they can fly with you to Washington Dulles (IAD) or they can fly with the guy across the field and land at DCA, which will they pick? Yes, there are some restrictions and added costs for DCA, but the client is already paying decent bucks for the flight. What's another \$15 a head for manifest checking, a few hundred for the armed security officer, and some screening fees?

More and more operators are requesting DASSP approval and seeking gateway status for their local airport—and for good reason. Not only does DASSP approval get you access to Washington Reagan National, it has also given operators access to some temporary flight restrictions (TFR) in the past few years. The program's rules are modified slightly for TFR access depending on the type of TFR, but these operators are getting access that you might not be! Your marketing manager would probably be thrilled to advertise the ability to access airspace around the Super Bowl or some other big event that most charter operators are excluded from.

Here's an interesting factor that could make the present the ideal time to get approved for the DASSP. Brian Delauter, TSA's new general manager of general aviation, told attendees at NATA's recent Air Charter Summit that he hopes to increase DASSP operations significantly this year. In fact, he believes we can max out 48 slots available to GA operations each day. Your competitor might be helping Mr. Delauter to his goal! Why are you resting?

FBO managers, pay attention! This DCA "stuff" impacts you, as well. Gateway airports are considered upon request by aircraft operators. Each gateway request must come with an FBO recommendation. Not every FBO at a gateway airport will necessarily become a gateway FBO, so your competition might be practicing right now, too! Even if you are the only game in town at your airport, consider your competition at nearby airports. If an aircraft operator wants to go to the D.C. area and an airport 15 minutes from yours is a gateway airport but you aren't, where is the operator going to pick up the passengers and buy fuel? Don't underestimate the marketing power of being a DASSP gateway facility.

How does an FBO become approved for DCA-destined operations? First, find an aircraft operator based on your airport or one that would use your facility as a gateway to DCA. If that operator is already DASSP-approved, congratulations, you can skip a few steps. If the operator isn't approved for DASSP operations, have them apply and recom-

mend your facility and airport as a gateway. The approval doesn't happen overnight, but if you're at a federalized airport, you stand a great chance of being approved quickly. If you aren't at a federalized airport, remember the answer to an unasked question is always "no." Have an operator nominate you for DASSP approval, and see if the TSA might be able to support DASSP screening operations at your field.

Any aircraft operator, FBO, or airport manager interested in the DASPP can contact me for additional information. I am working with Signature Flight Support at DCA to increase awareness of the program and help operators complete the application process. I've worked with the DASSP since before its launch in October 2005 and am committed to seeing GA once again well represented at DCA.

How about you? Are you resting? Or do you want to win?

*Lindsey McFarren is president of McFarren Aviation Consulting. She can be reached at [lindsey@mcfarrena-aviation.com](mailto:lindsey@mcfarrena-aviation.com) or (703) 445-2450.*

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## NATA's Sustaining Members

These special members have made a commitment to help develop programs and initiatives throughout the year. This membership class includes participation, sponsorship and recognition in all major NATA events and publications.

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Founded in 1940, the National Air Transportation Association aggressively promotes aviation safety and the success of aviation service businesses through its advocacy efforts before government, the media and the public, and by providing valuable programs and forums to further its members' prosperity.



## NATA Welcomes Phillips 66 Dealers as New Members

**N**ATA is pleased to announce that Phillips 66 Aviation has provided introductory membership in NATA to its branded dealers that are currently not NATA members. This effort allows these dealers the opportunity to experience all the benefits of NATA membership, while supporting the national association.

“We believe it is important to have a strong national organization representing the interests of the general aviation industry and our branded dealers. Supporting NATA is one way of ensuring a strong legacy,” said Rod Palmer, manager of general aviation for Phillips 66 Aviation.

The Phillips 66 Aviation dealers can take advantage of NATA's advocacy efforts, be informed of developments in the industry via NATA's member publications, and participate in NATA's money-saving benefit programs such as workers' compensation insurance.

“NATA applauds Phillips 66 Aviation for recognizing the importance of a strong national association, and we look forward to working with them and their constituents for years to come,” said NATA President James K. Coyne.

## Universal Provides Training Scholarships

**U**niversal Weather and Aviation, Inc. announced that it will be providing two scholarships to its Federal Aviation Administration licensed Dispatcher Training Course to the association Women in Corporate Aviation (WCA). Each scholarship is offered to women and men seeking to advance their careers in corporate aviation with an FAA Dispatcher License. Applicants must be able to read, speak, and understand English and be at least 23 years old.

WCA requests that applicants visit [www.wca-intl.org](http://www.wca-intl.org). All applications must be submitted by e-mail to [wca2011scholarships@gmail.com](mailto:wca2011scholarships@gmail.com) with the specific scholarship title posted in the e-mail subject line. All applicants must include WCA cover letter, resume, three letters of recommendation, and a copy of the last three pages of logbooks and copies of all pilot certificates (if pilot).

“We are excited to work with Women in Corporate Aviation to offer continuing education opportunities for the future leaders of our industry,” said Mark Christensen, workforce development product

manager and lead course instructor, Universal. “We are proud that our course was selected by WCA as one that would provide great value to its members.”

## ACM Aviation Adds Global Express to Fleet

**A**CM Aviation recently added a fourth Global Express to its fleet and is expanding its long-range aircraft charter capabilities with a Global Express based in West Palm Beach, Fla. The aircraft seats 16 passengers and has a range of 7,197-miles or 14 hours. With an additional fleet of long-range Gulfstream and Falcon aircraft on both coasts, ACM can handle international travel launching from anywhere in the U.S.

“We will be concentrating on expanding our charter services in Florida to meet the demanding need for private jet travel, both domestically and internationally,” ACM President Frank Milian said. “Our crews are dedicated to providing the highest caliber of service to our discriminating clients and have extensive international experience.”

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## Safety 1<sup>st</sup> PLST Online Offers Priceless Recognition

The news that Safety 1<sup>st</sup> participants already know is getting out to the rest of the air charter community: PLST Online participation is advertised on NATA's website. At [www.nata.aero/plst](http://www.nata.aero/plst), you can view the PLST Honor Roll of participants, those who have completed the program and received certificates and patches for their hard work. Line service specialist names and companies are prominently listed. You may also view PLST Online companies, those FBOs that purchased the program and have line service specialists currently training. Companies are listed by state, province, or country along with their website for added convenience. We do our best to keep these updated monthly but always appreciate participants reviewing the site and letting us know where additional changes are needed. It's a large task, but our Safety 1<sup>st</sup> participants deserve this recognition!

Safety 1<sup>st</sup> participation has many other benefits and promotional advertising available. Each line service specialist receives a certificate with a uniform patch. When companies have trained all their line personnel, they receive a company certificate with door decals to display to FBO customers. We monitor company training and send plaques with the year and logo to promote Safety 1<sup>st</sup> participation to customers. Companies are also encouraged to use the Safety 1<sup>st</sup> logo in print and online advertising.

NATA Safety 1<sup>st</sup> promotes the benefits of the PLST Online, the Safety 1<sup>st</sup> eToolkit safety newsletter, and Operational Best Practices (see the following article) by speaking to various organizations, including the Federal Aviation Administration, insurance

companies, air charter operators, and pilot organizations. Amy Koranda, NATA's director of safety & training, recently traveled to Vancouver, B.C., to speak with more than 100 insurance brokers and agents at the Aviation Insurance Association about the valuable benefits of Safety 1<sup>st</sup> participation. Attendees watched videos of PLST training sessions and were encouraged to read, share, and contribute to NATA's Safety 1<sup>st</sup> eToolkit newsletter.

We want all participants to consider NATA's Safety 1<sup>st</sup> team a part of your "back office" on safety and training matters. Make sure you take advantage of all the wonderful promotional benefits offered by our program. The aviation industry is watching to see who safely trains by monitoring our website. Make sure your company is there with all your line service personnel on the Honor Roll—the recognition is priceless!

## New Best Practices Guidance Is Available

NATA's Safety & Security Committee continues to roll out best practices to assist FBOs with safety procedures and policies. The operational best practices (OBPs) were developed by industry experts on NATA's committee who have many years of FBO/aviation experience. The recommendations in the OBPs provide best practice guidance so FBOs can develop manuals and procedures to deal with their operation and associated risks.

NATA's OBPs provide an introduction that guides users through the process of tailoring the OBPs to an operation, along with a record of revisions and assistance on how to develop a safety committee, safety management system, 50/10 stoppage procedures, proper propeller handling, safe securing of aircraft, foreign object damage prevention, and safe aircraft towing. Additional OBPs have been added since the original guidance was produced, including cell phone/media device usage, a motorized/mobile equipment checklist, adverse weather monitoring, high wind operations, thunderstorm procedures, refueler preventive maintenance, and walking/working surfaces and fall protection. Why not evaluate your practices with NATA's OBPs to make sure your procedures are as safe as possible?

You can view the OBPs on NATA's Membership Resources page or the Safety & Security page (under Important Links).



**PLST - When Safety Is On The Line**

[View PLST Honor Roll Participants](#)   [View PLST Online Companies](#)

**What Others Are Saying...**

"This program goes a long way to give an operation's safety consciousness and commitment. PLST Online saves FBOs money and does a real service for their customers, fuel suppliers and insurance companies." - Steve Loyd, Loyd's Aviation

"PLST is proven to reduce the risk of injury, incidents and accidents associated with running an FBO." - Jim Gardner, JSL Aviation

"PLST Online is very thorough and quite good. I thought the training was wonderful, and I actually learned quite a bit more from it than I might have expected as somebody with a lot of experience in the industry." - Gary Davis, Gee Davis Aviation

"I feel this new form of training challenges our teammates (trainees) not only to memorize information, but to grasp the full context of each training module with a complete understanding of the material presented." - Shawn Mack, Bayview Air Service

NATA's Safety 1<sup>st</sup> Professional Line Service Training (PLST) is the best way to train, and recurrently train, the men and women out on the tarmac who marshal, fuel and manage the general aviation aircraft, crew and passengers that are the lifeblood of any FBO.

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