

The following words and phrases, whenever used in the Primary Guiding Documents, shall be construed as defined herein, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

All definitions contained in 49 U.S.C. § 40101 *et seq.* (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

Airframe and Powerplant Mechanic (or “A & P Mechanic”) — A person who holds an aircraft mechanic certificate with both the airframe and powerplant ratings. This certification is issued by the FAA under the provisions of 14 CFR Part 65.

Abandoned — As applied to Property, other than Vehicles, left at the Airport, means that it has been left on the Airport for 48 hours without the owner moving or claiming it.

Accessory Building or Structures — Any building or structure other than the main building or structure itself that is intended to be located in place for more than 6 months.

Abandoned Vehicle — Any Vehicle that has remained stationary on the Airport in excess of 72 hours and is in a condition that would render the Vehicle undrivable, including expired license plates, missing (or flat) tire, and/or broken window.

Accident — A collision or other contact between any part of an Aircraft, Vehicle, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving Aircraft or Vehicle by a person which results in personal injury or death to such person or some other person or which results in Property damage.

Aeronautical Activity (or “Aeronautical Activities” or “Activity” or “Activities”) — Any Activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft or another Aeronautical Activity, or which contributes to or is required for the safety of such operations. The following Activities, without limitation, which are commonly conducted on airports, are considered Aeronautical Activities within this definition: Aircraft charter, pilot training, Aircraft rental, sightseeing, aerial photography, aerial spraying and agricultural aviation services, aerial advertising, aerial surveying, air carrier operations (passenger and cargo), Aircraft sales and service, sale of aviation fuel and oil, Aircraft Maintenance, sale of Aircraft parts, and any other Activities which, in the sole judgement of the County, because of their direct relationship to the operation of Aircraft or the Airport, can appropriately be regarded as an Aeronautical Activity.

Agency — Any federal, state, or local governmental entity, unit, agency organization, or County.

Agreement — A written contract, executed by both parties, and enforceable by law between the County and an entity granting a concession, transferring rights or interest in land and/or improvements, and/or otherwise authorizing and/or prohibiting the conduct of certain Activities. Such Agreement will recite the terms and conditions under which the Activity will be conducted at the Airport including, but not limited to, term of the Agreement; rents, fees, and charges to be paid by the entity; and the rights and obligations of the respective parties.

Air Carrier — Any entity engaged in the operation of any Aircraft for the purpose of transporting passengers, mail, express, freight, or cargo, whose operation is either intrastate and interstate and in compliance with all of the federal regulations governing or pertaining to the operation of the same.

Air Operations Area (AOA), A portion of the Airport, specified in the airport security program, in which security measures specified in 49 CFR Part 1540 are carried out. This area includes Aircraft Movement Areas, Aprons, loading ramps, and safety areas, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures. This area does not include the secured area.

Air Traffic Control, (or “ATC”) — A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic.

Aircraft — A device that is used or intended to be used for flight in the air.

Aircraft Maintenance — In accordance with FAR Part 43, the inspection overhaul, repair, preservation, and the replacement of parts but excludes preventive maintenance. Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations. Major repair means a repair: (1) That, if improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or (2) That is not done according to accepted practices or cannot be done by elementary operations. Minor repair means a repair other than a major repair.

Aircraft Operator — A person who uses, causes to be used, or authorizes the use of an Aircraft, with or without the right of legal control (as owner, lessee, or otherwise), for the purpose of air navigation including the piloting of Aircraft, or on any part of the surface of the Airport.

Airline Passenger — Any person in the Airport Terminal, in possession of a valid airline ticket with the intention of boarding an Aircraft within a reasonable time for another destination. Within the purview of Rules and Regulations, such person ceases to become an Airline Passenger when he reaches his airport destination, claims his baggage, and intends to depart the airport terminal area.

Airport — The Hagerstown Regional Airport area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings, infrastructure and facilities.

Airport Influence Area — Land areas surrounding the Airport which may be significantly effected by airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses.

Airport Layout Plan (or “ALP”) — The currently approved drawing depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

Airport Manager — The individual designated by the County with the duty to manage, supervise, control, and protect the Airport.

Airport Roadway — Those vehicular ways on Airport designated property to which the public has the right of access to public roadways.

Applicant (or “Proposed Operator or Lessee”) — An entity completing County written application to use land and/or improvements at the Airport to engage in Aeronautical Activities.

Apron — The paved area where Aircraft can be parked and tied down.

Association — An entity legally formed and recognized under the laws of the state of Maryland having an existence separate and apart from its members or shareholders (i.e., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

Baggage — Articles, effects, and other personal property of an Aircraft Operator or Passenger, as are necessary or appropriate for wear, use, comfort, or convenience in connection with his trip. It includes checked, unchecked, and unclaimed passenger property.

Base Rate — Rents and/or fees paid by the Operator during the first year of the Agreement

Commercial Activity — Any activity (including Aeronautical Activities) conducted at or out of the Airport by any entity in which any product or service is exchanged for the purpose of securing earnings, income, compensation (including exchange of service), and/or profit, whether or not such objectives are accomplished.

Commercial Operator — An entity engaging in a Commercial Activity which involves, makes possible, or is required for the operation of Aircraft, or which contributes to, or is required for the safe conduct and utility of such Aircraft operations, the purpose of such Commercial Activity being to generate and/or secure earnings, income, compensation, and/or profit, whether or not such objectives are accomplished.

County — Board of County Commissioners of Washington County, Maryland.

Courtesy Vehicle — Those Vehicles which carry persons between the Airport and off-Airport businesses, such as hotels, motels, or other attractions for which the passenger pays no direct charge.

Condemnation — The taking of land and/or improvements for any public or quasi-public use under any governmental law, ordinance, or regulation, or by the right of eminent domain, or by private purchase in lieu thereof.

Consent to Sublease — An authorization by the County in the event that an existing Operator or Lessee desires to Sublease.

Cost Approach — One of the three traditional approaches to value used by real estate appraisers, based on the theory that the value of a property is the sum of the value of the land plus the reproduction cost of all the improvements, less depreciation from all causes.

Cruising — The operation of a Vehicle for hire at the Airport in search of or soliciting prospective passengers.

Development Guidelines — The parameters governing the design, construction, and/or modification of Operator or Lessee facilities at the Airport, as they may be amended from time to time.

Direct Access — Unencumbered access to the Aircraft Operations Area (AOA).

EIFS — Exterior Insulation and Finish Systems.

Emergency Vehicle — Vehicle of the police or fire department, ambulance or any Vehicle conveying an Airport official or Airport employee in response to an official emergency call.

Employee — Any individual employed by an entity where by said entity collects and pays all associated taxes on behalf of Employee (i.e., social security and medicare). The determination of status between “employee” and “contractor” shall be made according to then current IRS standards.

Equipment — All property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Exclusive Right — A power, privilege, or other right excluding or preventing another from enjoying or exercising a like power, privilege, or right. An exclusive right may be conferred either by express

Agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an exclusive right. An exclusive right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an exclusive right to occupy real estate, which is permitted by federal regulation under certain conditions.

Federal Aviation Administration (or "FAA") — The Agency established in 1967 within the Department of Transportation of the United States government that has the responsibility of promoting safety in the air, by both regulation and education, and any successor Agency.

Federal Aviation Regulation (or "FAR") — Regulations established by the FAA which govern the operation of aircraft, airways, and airmen. Compliance with FARs is mandatory. In 1996, all references to the FARs were changed to "14 CFR" (Title 14 of the Code of Federal Regulations).

Fixed Base Operator (or "FBO") — An entity that is authorized and required by Agreement with the County to provide to the public, at a minimum, the following Activities at the Airport:

- A. Sale of Aviation Fuels and Lubricants
- B. Ancillary Aircraft Ground Services and Support
- C. Tiedown, Hangar, and Parking
- D. Aircraft Preventive Maintenance

Flight Training — Any use of an Aircraft to increase or maintain pilot or crewmember proficiency rather than the use of an Aircraft as transportation between two different Airports or other destinations. Flight Training shall also include any portion of a flight between two Airports or other destinations dedicated to increase or maintain pilot or crewmember proficiency.

Fuel — Any substance (solid, liquid, or gaseous) used to operate any engine in Aircraft, Vehicles, or Equipment.

Fuel Handling — The transporting, delivering, fueling, or draining of Fuel or Fuel waste products.

General Aviation — All aviation with exception of air carriers (including cargo) and government. General Aviation Aircraft are utilized for commercial and non-commercial purposes including business/corporate, recreational/pleasure, charter/air taxi, industrial/special purpose, and instructional.

Grant Assurances (or "Airport Assurances") — Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of Federal airport development grants or Federal surplus property.

Hazardous Materials — Any oil, petroleum products, flammable substances, explosives, radioactive materials, hazardous wastes, toxic wastes or substances or any other wastes, material or pollutants which pose a hazard to the health and safety of the owners, occupants or any person on (or entering) the Premises or properties adjacent to it and/or cause the Property to be in violation of any Regulatory Measure, or which are classified as hazardous materials under applicable Regulatory Measures.

Immediately — The ability to occupy premises leased from the County and offer products, services, and/or facilities (to the public) as of the effective date of the Agreement. When construction and/or alteration of facilities are involved, immediately shall mean the ability to obtain a certificate of occupancy from Washington County, Maryland for the proposed facilities within 12 months following the possession of the Leased Premises.

Improvements -- All buildings, structures, additions, and facilities including pavement, concrete, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

Income Approach -- One of the approaches to value used by real estate appraisers to estimate the value of property being appraised. It is based on the theory that the present value of a property is equal to the present net value of its future capacity to produce income including the proceeds of a sale at a future date.

Infrastructure -- Runways, Taxiways, Taxilanes, Aprons, nav aids, Airport roadways, and utilities.

Instructor -- Any individual giving or offering to give instruction in the operation, construction, repair, or maintenance of Aircraft, Aircraft powerplants, and accessories, including the repair, packing, and maintenance of parachutes.

Leased Premises -- The land and/or Improvements used exclusively by an Operator for the conduct of the Operator's Activities regardless of whether the interest in land is an estate for years or a usufruct.

Lessee -- An entity that has entered into an Agreement with the County to occupy and use land and/or Improvements and/or engage in Aeronautical Activities, regardless of whether the interest in land is an estate for years or a usufruct.

Limousine -- A Vehicle for hire that is not configured with a taximeter, which charges unmetered predetermined rates.

Loitering -- Remaining in an area for no obvious reason or no ability to give a satisfactory explanation of one's presence.

MAI -- Member of Appraisal Institute.

Market Value -- Under guidelines published by federal lending institutions, the most probable price a property should bring in a competitive and open market under all conditions requisite to a fair sale, such conditions include the assumption that the buyer and seller acted prudently and knowledgeably and that the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer.

Master Plan -- An assembly of appropriate documents and drawings covering the development of the Airport from a physical, economical, social, and political jurisdictional perspective and adopted by the County. The Airport Layout Plan (ALP) is a part of the Master Plan. The Forecast and the Airport Layout Plan must be approved by the FAA. If Federally funded, FAA will determine that the Master Plan is acceptable.

Minimum Standards -- Those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Commercial Activities at the Airport, as they may be amended from time to time.

Movement Area -- The runways, taxiways, and other areas of the Airport which are utilized for taxiing/hover taxiing, air taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and parking areas. Specific approval for entry onto the movement area must be obtained from ATC.

NFPA -- National Fire Protection Association.

Non-Commercial Operator -- An entity that either owns or leases and operates Aircraft for personal or recreational purposes. In the case of a business, the operation of Aircraft must be an ancillary Aeronautical Activity to support the business's purposes by providing transportation for the exclusive

use of its employees, agents, and/or customers. In all cases, the Non-Commercial Operator neither offers nor engages in Commercial Aeronautical Activities.

Non-Exclusive Use Areas -- The land and/or improvements at the Airport that are available for use on a non-exclusive basis.

Notice To Proceed (NTP) -- Written notice provided by the County to begin work on an approved project. Approved projects may not proceed without an NTP.

Official Vehicle -- A Vehicle used for Aircraft Rescue and Fire Fighting (ARFF), ambulance, police, security, maintenance, FAA and others specifically authorized by the Airport Manager.

Operator (as used in Lease/Rates and Charges Policy and Minimum Standards) -- An entity that has entered into an Agreement with the County to engage in Aeronautical Activities (Commercial or Non-Commercial).

Park -- The standing of an Aircraft or Vehicle, whether occupied or not, otherwise than very briefly (no more than 10 minutes) for the purpose of and while actually engaged in loading or unloading of Property of passengers.

Permission -- A right or approval granted by either the County or Airport Manager.

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

Public Area -- Those areas of the Airport open for public thoroughfare, gathering, waiting, and/or viewing, and in which access is not restricted by federal and Airport regulations.

Public Safety Officer -- Sworn Law enforcement officers (LEOs) of the County and/or Hagerstown, Maryland, or any other Agency.

Primary Guiding Documents -- A compilation of policy documents adopted by the County including General Provisions and Definitions, Lease/Rates and Charges Policy, Minimum Standards, Rules and Regulations, Development Guidelines.

Private Vehicle -- Any Vehicle from which no revenue is being derived from transportation either directly or indirectly.

Refueling Vehicle -- Any Vehicle used for the transporting, handling or dispensing of Fuels, oils, and lubricants.

Regulatory Measures -- All federal, state, County, local, and Airport laws, codes, ordinances, rules, and regulations.

Repair Station -- A certificated Aircraft Maintenance facility approved by the FAA to perform certain specific maintenance functions. These facilities are certificated under 14 CFR Part 145. Restricted Area, Areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel pursuant to applicable Regulatory Measures.

Rules and Regulations -- The rules and regulations as set forth in the Hagerstown Regional Airport Rules and Regulations, as they may be amended from time to time.

Runup -- Aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.

Sales Comparison Approach -- The Sales Comparison Approach is based on comparing and contrasting pertinent data on comparable sites that have actually sold, with data about the site being appraised.

Secured Area -- A portion of the Airport, specified in the Airport Security Program, in which certain security measures specified in 49 CFR Part 1542 are carried out. This area is where Aircraft Operators and foreign air carriers that have a security program under 49 CFR Part 1544 or 1546 enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.

Security Identification Display Area (“SIDA”) -- An area of the Airport identified in the Airport Security Program, as requiring each person to continuously display on their outermost garment, an airport approved identification medium unless under airport-approved escort.

Specialized Aviation Service Operator (or “SASO”) -- A Commercial Operator that provides Activities not listed under the definition of a Fixed Base Operator. These may include any one or a combination of the following:

- A. Aircraft Maintenance
- B. Aircraft Rental/Flying Club
- C. Flight Training
- D. Aircraft Charter/Air Taxi
- E. Avionics, Instrument, or Propeller Maintenance
- F. Aircraft Sales

Sublease -- An Agreement entered into by an entity with an Operator or Lessee that transfers rights or interests in the Operator’s or Lessee’s Leased Premises and is enforceable by law, regardless of whether the interest in land is an estate for years or a usufruct.

Sublessee -- An entity that has entered into a sublease with an Operator or Lessee who is authorized to engage in Commercial Aeronautical Activities at the Airport.

Taxicab -- A public passenger Vehicle equipped with a taximeter operated under a permit from the state of Maryland, which carries passengers for hire only at lawful rates of fare recorded and indicated on a taximeter.

Taxilane -- An Area of aircraft access between taxiways, hangars and Aprons and not under ATC control.

Taximeter -- A mechanical instrument by which the charge for hire is calculated, either for distance or time, or both, and is mounted and illuminated so that such charge is clearly and conveniently visible to the passenger.

Taxiway -- Excluding the runway, a defined path, under ATC control during operating hours, over which aircraft can taxi from one part of an airport to another.

Temporary Improvements -- Improvements that are intended to be located in place for not more than six months.

Temporary (or “Mobile”) Structure -- A structure that has no permanent foundation and/or is capable of moving or being moved from place to place.

Terminal -- The commercial passenger building at the Airport.

Tiedown -- An area paved or unpaved suitable for parking and mooring of Aircraft wherein suitable Tiedown points are located.

Through-the-Fence -- The right granted through an executed agreement with the County to have direct access to the Airport from private property located contiguous to the Airport.

Touch-and-Go -- The act of landing an Aircraft on a runway and immediately taking off in the same direction on that runway instead of landing and coming to a full stop on the runway before proceeding on a taxiway to a parking location or to another runway.

Transient Parking -- The parking of Aircraft not normally based at the Airport in an area specifically set aside by the Airport Manager for this purpose.

Transportation Security Administration (or "TSA") -- The Agency established within the Department of Homeland Security of the United States government that has the responsibility for providing for the security of air transportation of persons and property.

Triple Net -- Operator pays all maintenance, utilities, insurance, and taxes associated with Leased Premises.

Ultralight Vehicle -- A vehicle that is (a) used or intended to be used for manned operation in the air by a single occupant; (b) Is used or intended to be used for recreation or sport purposes only; (c) Does not have any U.S. or foreign airworthiness certificate; and (d) If unpowered, weighs less than 155 pounds; or (e) If powered: 1. Weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; 2. Has a fuel capacity not exceeding 5 US. gallons; 3. Is not capable of more than 55 knots calibrated airspeed at full power in level flight; and 4. Has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

Vehicle Operator -- Any person who is in actual physical control of a Vehicle.

Vehicle Service Road -- That portion of the AOA specifically designated and appropriately marked for the movement of authorized vehicles.