

RESOLUTION 24-49 - AUTHORIZING AN AMENDMENT TO THE SCHEDULE OF FEES AND CHARGES AT THE WILMINGTON AIRPORT ILG.

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the operator of the Wilmington Airport ILG (the “Airport”), and

WHEREAS, the Authority has previously adopted a Schedule of Fees and Charges for the Airport; and

WHEREAS, the Authority has fiduciary responsibility to review this schedule of fees and charges and make modification necessary to meet the financial requirements of the Airport; and

WHEREAS, in the pursuit of competitive commercial aviation opportunities, the Authority desires to establish a modified Fee regime that is widely recognized and in use at other airports accommodating scheduled air carrier service operations, and

WHEREAS, the Authority has determined that a revised Schedule of Fees and Charges is necessary and proper to generate revenue sufficient to support Airport activities; and

WHEREAS, under Article VII(d) of the Compact, after the Board of Commissioners approval, the Schedule of Fees and Charges will be filed with the Secretary of State of the States of Delaware and New Jersey and will take effect at that time; and

NOW, THEREFORE, BE IT RESOLVED, that the previously published Schedule of Fees and Charges dated October 2022 for the Wilmington Airport is hereby rescinded and replaced with the attached Schedule of Fees and Charges which will become effective November 15, 2024.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of the Board of Commissioners is hereby authorized and directed to file a copy of said Schedule of Fees and Charges with the Secretary of State of the States of Delaware and New Jersey.

Resolution 24-49 - Executive Summary

Resolution: Authorizing an Amendment to the Schedule of Fees and Charges for the Wilmington Airport ILG.

Committee: Economic Development

Committee Date: October 15, 2024

Board Date: October 15, 2024

Purpose of Resolution: To amend the Schedule of Fees and Charges at the Wilmington Airport ILG and place them on file with the Secretary of each State.

Background for Resolution: There is a Schedule of Fees and Charges adopted for each airport operated by the Authority that sets predetermined rates for various operations at each facility. The Authority is implementing several changes and adding new definitions to its fee structure to address new business opportunities and statutory authority of the airport Rules and Regulations.

SCHEDULE OF FEES AND CHARGES

Effective November 2024

The following schedule of fees and charges for the use or uses of the Wilmington Airport is hereby established:

1. **Aircraft Operations:**

(For fee purposes, an operation shall consist of an arrival and a departure.)

(a) ***Landing Fee:***

All aircraft, including rotorcraft, with a certificated maximum gross landing weight (MLW) of 7,500 pounds or more, shall be assessed a landing fee of One Dollar and twenty-five cents (\$1.25) per one thousand (1,000) pounds. The MLW shall be established as set forth in the flight manual for the aircraft or any Federal Aviation Administration documents. The following exemptions to this subsection are hereby established:

- (i) ***Signatory users.*** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

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- (ii) **Publicly owned aircraft.** Aircraft owned and operated by the government of the United States of America, including Military aircraft owned and operated by the military forces of the United States of America, and aircraft owned and operated by foreign governments and military forces.

- (iii) **Aircraft operated in support of military operations.** Members of the Civil Air Patrol and the United States Coast Guard Auxiliary may, upon written application to the Airport Manager and supported by military orders, request that fees for landings performed during search and rescue missions and exercises be exempted. Each such landing must be identified on the individual landing fee invoice.

The Delaware River & Bay Authority may use a third-party to bill and collect landing fees on behalf of the airport.

2. Aircraft Storage

- (a) **Aircraft t-hangar storage: The monthly fee for storing aircraft in public t-hangar spaces shall be:**

T-hangar #'s 13 -19 and 28-34	\$425	
T-hangar #'s 2-12 and 20-27	\$450	
T-hangar #'s 1 and 10	\$650	

- (b) **In public tie-down spaces.** The monthly fee for storing aircraft in public tie-down spaces shall be one hundred and twenty-five dollars (\$125.00) per month.

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(c) ***Apron aircraft parking.*** The public aprons are provided for short-term loading and unloading of passengers and cargo within designated areas. The daily fee for all apron use is:

Type of Aircraft	DRBA Ramp Fee Daily Rate
Design Group 1 Aircraft	\$10.00
Design Group 2 Aircraft	\$50.00
Design Group 3 Aircraft	\$150.00
Design Group 4 Aircraft	\$300.00
Design Group V	\$500.00
Helicopters	\$30.00

Delaware River and Bay Authority assumes no responsibility for the securing of aircraft on public aprons. Long term parking is provided by fixed-base operators or through Tie-down agreements with the airport.

(d) ***Lighter-than-air aircraft use.*** Lighter-than-air aircraft such as airships, dirigibles, blimps, or balloons shall pay a daily use fee of hundred dollars (\$100.00). The payment of this fee shall entitle the operator to a mooring location that shall be a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.

(e) ***Use of Gates and Terminal Facilities*** Airlines who fail to comply with the Maximum Parking Occupancy Periods as set forth in the “Rules and Regulations for

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Assignment and Use of Gates and Terminal Facilities” or otherwise fails to comply with the Authority’s movement directives, may be subject to a fee of \$250 for each successive 15-minute period or fraction thereof until the aircraft is moved. After two hours, the fee shall increase to \$500 for each successive 15-minute period. A fee assessed under this paragraph shall not exceed \$5,000 per aircraft per day.

- (f) ***Signatory users.*** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

3. Terminal Use Fees:

The airline terminal portion of the Terminal Building is provided by the airport as common use by scheduled, nonscheduled and charter airlines, or other transportation services as approved by the airport. Such uses are normally covered in a lease or other operating agreement and will include a terminal Cost per Turn fee of \$2.50 per enplaned passenger for common use areas. A per turn fee in this section refers specifically to the airline payment for each aircraft departure from a common use gate.

- (a) ***Signatory users.*** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

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- (b) Each airline is responsible to arrange for or provide personnel and screening equipment necessary to comply with Transportation Security Administration (TSA) regulations. Such costs shall be the responsibility of the airline.

4. Fuel flowage fee. Aviation fuel delivered to the fuel storage facilities on the airport and dispensed from such facilities shall be subject to the following fuel flowage fee:

- (1) Fixed-base operators - Nine cents (\$0.9) per gallon
- (2) Non-Airline Signatory users who have been given approval to self-fuel- Eleven cents (\$0.11) per gallon
- (3) Airline Signatory users - Three cents (\$0.03) per gallon.

5. Passenger Facility Charge (“PFC”). Pursuant to 14 Code of Federal Regulations (“CFR”) Part 158, the DRBA is authorized by the United States Department of Transportation (“USDOT”) and the Federal Aviation Administration (“FAA”) to impose a Passenger Facility Charge (“PFC”) on the fares charged to passengers departing from Wilmington Airport. Air Carriers shall collect and remit all PFCs to DRBA in accordance with 14 CFR Part 158 and DRBA’s authorization from the USDOT and FAA, as either may be amended from time to time. Additional information concerning the PFC and the obligations of Air Carriers with respect thereto is on file with the DRBA Airports Division.

- (a) Non-aeronautical transportation services that use the terminal common areas in which PFC’s are not applicable may be charged a Capital Recovery Fee (CRF) equal to the airport’s approved PFC collection tier.

6. Removal of wrecked or damaged aircraft in any movement area. Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be

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removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to promptly remove the disabled aircraft. If the disabled aircraft operator cannot or will not promptly remove the disabled aircraft from the movement area, the staff of the airport or a company contracted by the airport may remove the disabled aircraft and charge the aircraft operator for the actual cost of removal. In addition, an administrative fee in the amount of two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine shall be imposed.

7. **Vehicle Operations and Parking.**

- (a) ***Parking.*** Vehicle parking is available in public lots near the terminal building. The fee for parking in such lots shall range from \$5.00 to \$15.00 per day with charges beginning after 15 minutes. Lost parking tickets for gate-controlled lots or non-payment in Pay-by-Plate lots will be charged equal to 14 days of the lot's parking rate.. Unless authorized by Airport Management, no vehicle may be left in public parking lots for more than thirty (30) days.

- (b) ***Reserved parking by signatory users.*** Certain parking spaces in public parking lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with Delaware River and Bay Authority. Payment for such space shall be included in the lease or other agreement. Reserved parking spaces shall be marked by signage or paint.

- (c) ***Removal of wrecked, damaged, or abandoned vehicles from the airport.*** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River and Bay Authority Police Department towing policy. Any vehicle left in any airport parking lot for longer

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than thirty (30) days, without prior approval of the Airport Manager, shall be considered abandoned.

- (d) **Rental Cars and Vehicle Share Services.** All rental car services or peer to peer vehicle sharing entities conducting business in public areas of the Airport must agree to the most current permit agreement, terms, and associated fees.
- (e) **Motor Carriers, Bus Transportation Services and Transportation Network Companies.** All motor carriers for hire or transportation network companies (TNC) conducting business at the Airport must agree to the most current operating agreement, terms, and associated fees, including Access or Per Trip fees
- (f) **Unauthorized Vehicles.** Unauthorized vehicles parked in reserved or marked spaces will be issued a penalty in accordance with paragraph (g) of this section. In certain cases, and in the interest of safety, vehicles may be towed in accordance with the Delaware River and Bay Authority Police Department towing policy.
- (g) **Violations.** Pursuant to provisions of §1729, Title 17 of the Delaware Code, the Delaware River & Bay Authority may issue penalties for any violations or failure to comply with the Airport Rules & Regulations. The penalties are as follows:

1 st Offense	2 nd Offense	3 rd Offense
\$100	\$250	\$500

- 8. **Special events.** The landing facilities of the airport may be used for special events with the prior written permission of the Airport Manager. Such special events must be compatible with the use of the land and facilities as a public use airport and must not, in any way, interfere with aircraft operations. Access to movement areas (runways and taxiways) must be coordinated with the Airport Manager and airport traffic control tower.

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The fee for such special events shall be set by contract with Delaware River and Bay Authority.

9. **Aviation Fuel Permit Fee:** Each operator of a storage tank and/or mobile fueler shall be required to have a fuel permit issued by the airport to demonstrate compliance with FAA FAR Part 139 safety requirements. The annual calendar year permit fee is \$150.00.

10. **ID Badge Application Fee:** ID badge types shall be:

	Tenant (2 years)	AOA (Annual)	SIDA (Annual)	Lost Badge	Not Returned
Initial	\$15	\$25	\$50	\$25	\$250
Recurrent	\$15	\$15	\$15	\$100	No Badge

11. **Billing and payment procedures.**

(a) **Billing.** Monies due to the airport for the activities and uses in this section shall normally be billed by the airport monthly.

(b) **Payment.** Payment of bills shall be due within thirty (30) days of the billing date. Remittance shall be made to:

Delaware River and Bay Authority

P.O. Box 62952

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Baltimore, MD 21264-2952

12. **Annual Increases.** All Fees and Charges set forth above shall escalate at a rate of 2% per annum. Such change shall go into effect on September 1 of each year.