

Department of Transportation and
Public Facilities
Statewide Aviation



17 AAC Chapter 45 – Rural Airports

Proposed Regulation Revisions

August 28, 2015

Bill Walker
Governor

Marc Luiken
Commissioner

Public Comment period ends
October 16, 2015, 3:00 p.m.

Please see public notice for details
about how to comment

Reading and understanding state regulations can be confusing. To assist you in understanding this draft, please note that state regulations are laid out in the following manner:

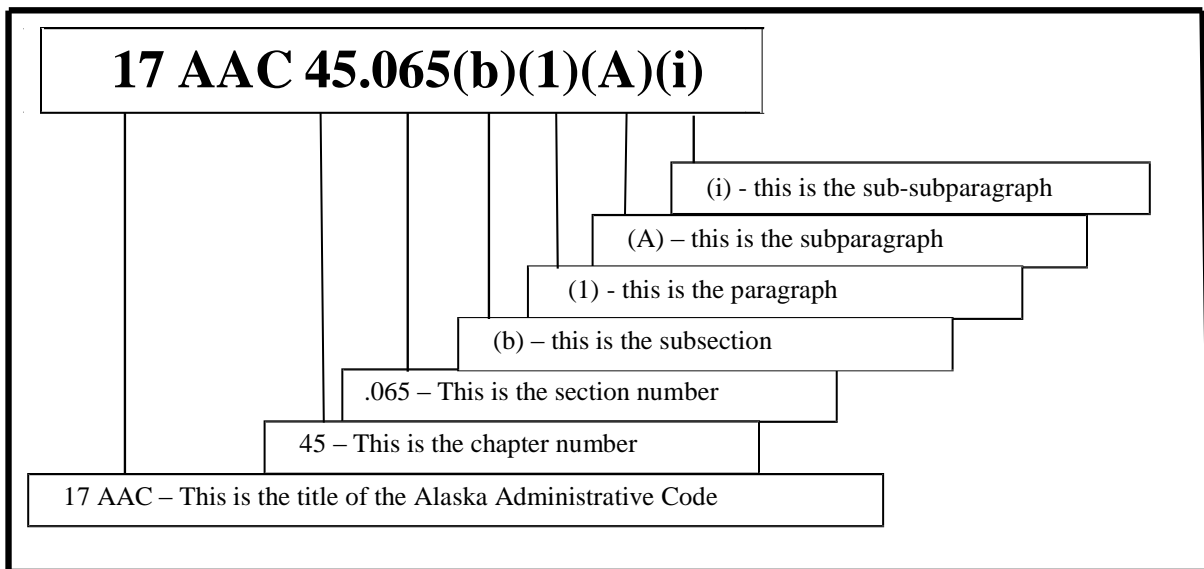


Figure - Alaska Regulatory Numbering System

In the following text, the proposed changes follow the formatting requirements of the “Drafting Manual for Administrative Regulations,” 20th Edition, August 2013, as amended and as promulgated by the State of Alaska Department of Law. The draft changes are indicated as follows:

[CAPITALIZED TEXT IN BRACKETS] indicates current regulatory text proposed to be deleted.

Bolded and underlined indicates proposed new text that amends the regulation. When an entire section or subsection is new, it is only indicated by the lead in line.

[...] indicates unchanged chunks of regulatory text.

For comparison purposes, the current 17 AAC 45 regulations can be found online at: <http://www.legis.state.ak.us/basis/aac.asp>

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 45.010(e) is amended to read:

(e) The Airport Sponsor Assurances published **on February 3, 1988, at 53 FR 3104** [BY THE FAA], as amended through **April 3, 2014** [MARCH 31, 2005], are adopted by reference in this chapter.

The introductory language to 17 AAC 45.010(j) is amended to read:

(j) When an application for a lease, permit, or concession under this chapter is approved and the department sends the applicant a lease, permit, or concession for signature, the applicant shall return the signed lease, permit, or concession to the department or airport manager, as applicable, within **60** [30] days after the date the lease, permit, or concession was mailed to the applicant, unless a letter or notice mailed with the lease, permit, or concession requires the applicant to return the signed lease, permit, or concession within a different time. If a letter or notice establishes a different time for return of the signed lease, permit, or concession, the time for returning the signed documents may not be less than

• • •

17 AAC 45.010(j)(1) is amended to read:

(1) **60** [30] days for a lease, permit, or concession that is not awarded competitively under 17 AAC 45.300 – 17 AAC 45.399; or

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.200	AS 02.15.230
	AS 02.15.060	AS 02.15.220	AS 44.17.010
	AS 02.15.090		

17 AAC 45.020(e) is amended to read:

(e) A person may not dump snow on an airport except in a location the airport manager has designated for that purpose or as authorized by the department under a lease, **or** permit, **or concession**.

17 AAC 45.020(n) is amended to read:

(n) [EXCEPT ON A PREMISES THAT THE PERSON HOLDS UNDER A LEASE, PERMIT, OR CONCESSION, A] A person may not, without approval of the department or the airport manager, place, maintain, or display on an airport a sign, signal, marking, light, or other device that purports to be or resembles a control device or that attempts to direct the movement of aircraft, pedestrian, or vehicle traffic, conceals or interferes with the effectiveness of a control device, or dazzles, blinds, or otherwise interferes with the vision of a pilot, pedestrian, or driver.

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.220 AS 02.15.240
AS 02.15.060 AS 02.15.230

The introductory language for 17 AAC 45.060(b) is amended to read:

(b) A person **is prohibited from entering or remaining** [MAY NOT ENTER OR REMAIN] in a restricted area except as provided in this section, unless the person either

• • •

17 AAC 45.060(g) is amended to read:

(g) With each application for an airport identification badge that authorizes unescorted access to a Security Identification Display Area (SIDA), the applicant or the applicant's sponsor must include a nonrefundable payment in a form acceptable to the department of **expenses incurred in processing the applications** [ANY COST CHARGED TO THE DEPARTMENT] for any fingerprint or background clearance required by federal law or by an applicable TSA-approved airport security program or required under the qualifications established by the department under (e) of this section.

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 45.060(k)(1) is amended to read:

- (1) a **\$50** [\$25] fee for each badge issued, **reissued, or renewed**;

17 AAC 45.060(k)(2) is amended to read:

- (2) a **\$200** [\$50] fee for each replacement of a lost badge;

17 AAC 45.060(k)(3) is amended to read:

- (3) a **\$200** [\$50] fee for each failure to surrender a badge to the airport manager when required to do so by the department; **and**

17 AAC 45.060(k)(4) is amended to read:

- (4) a **\$50** [NO] fee for replacement of a damaged badge that is returned to the airport manager by the person or the person's **sponsor. [SPONSOR;]**

17 AAC 45.060(k)(5) is repealed:

- (5) repealed ____/____/____; [NO FEE FOR AN ADMINISTRATIVE OR GOVERNMENT-MANDATED BADGE REISSUE NOT MADE NECESSARY BY AN ACT OR OMISSION OF THE PERSON;]

17 AAC 45.060(k)(6) is repealed:

- (6) repealed ____/____/____; [NO FEE FOR RENEWING AN EXPIRED BADGE; AND]

17 AAC 45.060(k)(7) is repealed:

- (7) repealed ____/____/____. [NO FEE FOR REISSUING A BADGE IF REISSUANCE IS NECESSARY ONLY DUE TO AN AIRPORT AUDIT OF IDENTIFICATION MEDIA.]

(Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230
AS 02.15.060 AS 02.15.220

17 AAC 45 is amended by adding a new section to read:

17 AAC 45.111. Special event permit. (a) Before engaging in a special event on an airport, a person must hold a current special event permit issued under this section expressly authorizing the conduct of that event.

(b) To obtain authorization to conduct a special event, a person must submit a special event permit application form in writing to the department and include a non-refundable \$100 application fee or such other fee as applicable under 17 AAC 45.127.

(c) A special event permit authorizes the permittee to conduct the specified type of event only on the specific airport identified on the permit application form. (Eff. __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230
AS 02.15.060 AS 02.15.220

17 AAC 45 is amended by adding a new section to read:

17 AAC 45.112. Consideration of application for special event permit; permit requirements. (a) The department may approve an application for a special event permit under 17 AAC 45.111 unless

(1) approval must be denied under 17 AAC 45.010(g);

(2) the proposed event would interfere with, or is otherwise incompatible with, the security, safety, maintenance, or operation of the airport;

(3) the proposed event would violate applicable law, the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550, an exclusive right the department has granted to another person, a covenant running with the airport land, or an applicable FAA grant assurance adopted by reference under 17 AAC 45.010(e); or

(4) the special event is not compatible with the airport's best interests.

(b) A decision by the department to deny an application for a special event permit will be in writing.

(c) A special event permit is not transferable.

(d) If the department determines under 17 AAC 45.425(b), that a special event permittee must carry insurance, the permittee shall provide evidence of insurance coverage that fully satisfies the permit's insurance requirements and requirements established by the department under 17 AAC 45.425(c).

(e) A special event permittee operating a vehicle on airport property may park and operate a vehicle on an airport in connection with an event allowed under the permit only in an area the department has designated for that purpose.

(f) A special event permittee may cancel a special event permit and cease operations at an airport at any time by written notice to the department.

(g) All special event permits are considered a special privilege, not a right, and are deemed a low priority use and are subject to competing airport priorities. The department may cancel a permit at any time without liability to the special event applicant or special event participants if

(1) the department determines that the permittee is not in compliance with the permit; or

(2) the event on that airport has ceased; or

(3) the department determines that the event interferes with the security, safety, maintenance, or operation of the airport. (Eff. __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230

AS 02.15.060 AS 02.15.220

The section heading for 17 AAC 45.115 is changed to read:

17 AAC 45.115. Unauthorized parking and impound [IMPOUND]

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230
AS 02.15.060 AS 02.15.220

17 AAC 45.120(e)(1) is amended to read:

(1) "aircraft accident" has the meaning given in 49 C.F.R. 830.2, as amended through

October 25, 2010 [JANUARY 1, 2007];

17 AAC 45.120(e)(2) is amended to read:

(2) "incident" has the meaning given in 49 C.F.R. 830.2, as amended through

October 25, 2010 [JANUARY 1, 2007]. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am
____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230
AS 02.15.060 AS 02.15.220

17 AAC 45.127(a)(1) is repealed:

(1) repealed ____/____/____. [BEGINNING APRIL 23, 2009 AND ENDING DECEMBER 31, 2009, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(a)(2) is repealed:

(2) repealed ____/____/____. [BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(a)(3) is repealed:

(3) repealed ____/____/____. [BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2012, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(a)(4) is repealed:

(4) repealed ____/____/____. [BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2014, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(a)(5) is amended to read:

(5) beginning January 1, 2015, the annual rental rates are as follows:

<u>Airport Type</u>	<u>Rate Per Square Foot</u>	
	<u>Aeronautical</u> [AVIATION] Land Uses	<u>Non-aeronautical</u> [AUXILIARY AND NONAVIATION] Land Uses
Airports where the longest runway is under 5,000 feet long between thresholds and is		
unpaved and unlighted	\$0.055	\$0.066
unpaved and lighted	0.071	0.086
paved and unlighted	0.071	0.086
paved and lighted	0.082	0.099
Airports where the longest Runway is 5,000 feet or longer Between thresholds is		
unpaved and unlighted	\$0.082	\$0.099
unpaved and lighted	0.107	0.129
paved and unlighted	0.107	0.129
paved and lighted	0.123	0.148

17 AAC 45.127(b)(1) is repealed:

(1) repealed ____/____/____. [BEGINNING APRIL 23, 2009 AND ENDING DECEMBER 31, 2009, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(b)(2) is repealed:

(2) repealed ____/____/____. [BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2010, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(b)(3) is repealed:

(3) repealed ____/____/____. [BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2012, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(b)(4) is repealed:

(4) repealed ____/____/____. [BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2014, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(b)(5) is amended to read:

(5) beginning January 1, 2015, the annual rental rates are as follows:

Airport Location	Rate Per Square Foot	
	<u>Aeronautical</u>	<u>Non-aeronautical</u>
	[AVIATION] Land Uses	[AUXILIARY AND NONAVIATION] Land Uses
Barrow	\$0.123	\$0.213
Bethel	0.123	0.213
Bettles (including Bettles VOR Lake)	0.043	0.040
Big Lake	0.065	0.042
Cold Bay	0.080	0.048
Cordova	0.123	0.109
Dillingham	0.123	0.104
Galena	0.080	0.052
Gulkana	0.074	0.031
Gustavus	0.123	0.100
Haines	0.087	0.099
Homer	0.123	0.130
Iliamna	0.071	0.078
King Salmon	0.123	0.145
Kodiak	0.123	0.213
Kotzebue	0.123	0.213
Nome	0.123	0.140
Northway	0.100	0.100
Petersburg	0.123	0.208

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Sitka	0.123	0.213
St. Mary's	0.095	0.057
Tok	0.068	0.032
Unalaska	0.082	0.142
Valdez	0.123	0.039
Willow	0.065	0.042
Wrangell	0.123	0.156

17 AAC 45.127(c)(1) is repealed:

(1) repealed ____/____/____. [BEGINNING APRIL 23, 2009 AND ENDING DECEMBER 31, 2009, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(c)(2) is repealed:

(2) repealed ____/____/____. [BEGINNING JANUARY 1, 2010 AND ENDING DECEMBER 31, 2013, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(c)(3) is repealed:

(3) repealed ____/____/____. [BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2012, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(c)(4) is repealed:

(4) repealed ____/____/____. [BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2014, THE ANNUAL RENTAL RATES ARE AS FOLLOWS:

• • •]

17 AAC 45.127(c)(5)(A) is amended to read:

(A) \$0.123 per square foot for an aeronautical [AVIATION] use on undeveloped land;

17 AAC 45.127(c)(5)(B) is amended to read:

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(B) \$0.268 per square foot for an **aeronautical** [AVIATION] use on land with a state-owned gravel pad;

17 AAC 45.127(c)(5)(C) is amended to read:

(C) \$0.178 per square foot for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use on undeveloped land; and

17 AAC 45.127(c)(5)(D) is amended to read:

(D) \$0.352 per square foot for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use on land with a state-owned pad.

17 AAC 45.127(d)(5) is amended to read:

(5) 10 percent, if the premises are **aeronautical** [AVIATION] premises otherwise suitable for use by fixed wing aircraft, and no part of the premises is within 200 feet of a public-use runway, taxiway, or apron.

17 AAC 45.127(g) is amended to read:

(g) At department-owned seaplane floats and turnaround facilities, excluding assigned space designated by the department for float-equipped aircraft under 17 AAC 45.500 - 17 AAC 45.590, the department will charge fair market rent[RENT, AS DETERMINED BY APPRAISAL,] for the use of land, tideland, dock frontage, and float space.

The introductory language for 17 AAC 45.127(i) is amended to read:

(i) In addition to the rental rate of any premises used, the department may charge a concession fee for the value of the department's authorization to conduct a **non-aeronautical** [NONAVIATION OR

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AUXILIARY] business opportunity on airport premises. Except as limited by any existing contract right, the department will require any lease or permit authorizing the sale on a department-operated airport of food and non-alcoholic beverages, alcoholic beverages, goods, or lodging to include an obligation to pay a concession fee calculated as a percentage of the gross sales of the authorized business in addition to land rent, building rent, or a business activity permit fee under this section. The concession fee on all sales of alcoholic beverages under the lease or permit is 12 percent of gross sales. The concession fees on gross combined sales of food and non-alcoholic beverages, goods, and lodging in excess of \$50,000 in a calendar year, or in excess of a proportional amount for any partial calendar year at the beginning or end of the concession, are the following percentages:

• • •

17 AAC 45.127(t) is amended to read:

(t) The rental rate for any portion of an area specifically designated under 17 AAC 45.020(c), 17 AAC 45.135, 17 AAC 45.140, or 17 AAC 45.145 for **aeronautical** [AVIATION, AUXILIARY,] or **non-aeronautical** [NONAVIATION] land use may not be lower than the rate applicable to the class of use for which the land is designated. The provisions of this subsection apply regardless of authorized or actual use under the lease, unless, when **aeronautical** [AVIATION] use land is not available, the department approves **aeronautical** [AVIATION] use for land designated for **non-aeronautical** [AUXILIARY OR NON-AVIATION] use. In these circumstances, the department may charge the rental rate for **aeronautical** [AVIATION] use even if lower than the rental rate for the designated use.

(Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 3/22/2008, Register 185; am 6/16/2008 - 10/13/2008, Register 187; am 4/23/2009, Register 190; am 4/4/2013, Register 206; am____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.070	AS 44.42.020
	AS 02.15.060	AS 02.15.090	

The introductory language to 17 AAC 45.130(4) is amended to read:

(4) a land lease **or permit** to a local government for a local government-owned passenger terminal or passenger shelter building on an airport that provides the primary transportation access for a community with a population of at least 25 but less than 1,500, subject to the following conditions:

• • •

17 AAC 45.130(5)(C) is amended to read

(C) the land would not reasonably be expected to produce fair market revenue to the airport at the time that the community use is contemplated and is not reasonably expected to be needed for an **aeronautical** [AVIATION] use or airport operations in the foreseeable future; and

• • •

17 AAC 45.130 is amended by adding a new paragraph to read:

(7) aviation museums. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.210(e)(1) is amended to read:

(1) an **aeronautical** [AVIATION] use;

17 AAC 45.210(e)(2) is repealed:

(2) repealed ____/____/____; [AN AUXILIARY USE]

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17 AAC 45.210(e)(3) is amended to read:

(3) a **non-aeronautical** [NONAVIATION] use.

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.090	AS 37.15.470
	AS 02.15.060	AS 02.15.210	AS 37.15.540

17 AAC 45.220(b) is amended to read:

(b) Before the department approves or extends the term of a lease, permit, concession, or other interest for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use of a premises that the department has determined in writing will be needed for an **aeronautical** [AVIATION] use in the future, the department will first estimate when the premises will likely be needed for **aeronautical** [AVIATION] use. A term or a term extension for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use of those premises may not run beyond the time that the department estimates the premises will become needed for an **aeronautical** [AVIATION] use and is subject to further extension only to the extent that need does not arise or is otherwise satisfied or deferred by the department.

(Eff. 3/28/2002, Register 161; ____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.090	AS 02.15.210
	AS 02.15.060		

17 AAC 45.240(c) is amended to read:

(c) The lessee, permittee, or concessionaire shall, within **90** [60] days after completion of construction or remediation, submit to the department written documentation that the construction or remediation has been completed as required, including documentation under 17 AAC 45.230 of cost to show investment required under the lease, permit, or concession or to support term under 17 AAC 45.225.

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

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Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.265(f) is amended to read:

(f) In the event of a conflict between a lease or concession and an assignment for security purposes of an interest in the lease or concession, the terms of the lease or concession govern. **A provision stating this priority must be included in each assignment for security purposes, but is implied in all assignments for security purposes whether stated or not.**

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.275(b)(9)(B) is amended to read:

(B) result in the monopolization of an **aeronautical** [AVIATION] use held by the proposed assignee or sublessee on the airport.

17 AAC 45.275(d) is amended to read:

(d) **A lessee, permittee, or concessionaire** [AN APPLICANT] may protest a denial of an assignment, assignment for security purposes, or sublease in accordance with 17 AAC 45.910. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.295(e) is amended to read:

(e) A rent adjustment under this section may not be applied to a competitively awarded lease, permit, or concession for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use if the adjustment would result in a reduction of the fee or rent to below the rate established by competitive bid

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or proposal when the lease, permit, or concession was awarded. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am 4/23/2009, Register 190; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.297(b) is amended to read:

(b) A rental rate adjustment protest must be in writing and received by the department within **120** [60] days after the date the department mails or delivers the notice of rental rate adjustment to the lessee, permittee, or concessionaire under 17 AAC 45.295.

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am 4/23/2009, Register 190; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.200
AS 02.15.060 AS 02.15.090

17 AAC 45.300(e) is amended to read:

(e) If the department awards a lease, permit, or concession for a **non-aeronautical** [NONAVIATION OR AUXILIARY] use on the basis of the highest rent to be paid by the permittee or lessee, the department will charge and the lessee, permittee, or concessionaire shall pay the bid or proposed rent during the entire term of the lease, permit, or concession, as applicable. If the department awards a lease for land for an **aeronautical** [AVIATION] use on the basis of the highest rent to be paid by the lessee, during the first 10 years of the lease term the department will charge and the lessee shall pay the bid amount or proposed rent. Beginning with the eleventh year of the lease term, the department will charge and the lessee shall pay the rate then applicable under 17 AAC 45.127 to similar property with an **aeronautical** [AVIATION] use at the airport, subject to adjustment under 17 AAC 45.295 thereafter. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am 4/23/2009, Register 190; am ____/____/____, Register ____)

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.210
AS 02.15.060

17 AAC 45.400(a)(1) is amended to read:

(1) 30 days' notice by posting the required notice on the Alaska Online Public Notice System [AND THE DEPARTMENT'S OFFICIAL INTERNET SITE];

17 AAC 45.400(b) is amended to read:

Except as provided in (d) of this section, the department will give not less than seven days' notice before issuing

(1) a permit with a term of 270 days or less;

(2) a lease or permit for a navigational, landing, or weather aid or for a flight service station or air traffic control tower in direct support of airport operations;

(3) a road right-of-way grant or permit.

The department will give the notice required in this subsection by posting for not less than seven days on the Alaska Online Public Notice System, [ON THE DEPARTMENT'S OFFICIAL INTERNET SITE,] and in a public place on the affected airport or in the nearest community. A notice posted in a public place under this section must be prominently marked "Please leave posted and fully visible until _____;" the department will insert in the blank a date that is no earlier than the last day for receipt of comments and not less than seven days after the date of first posting.

(Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 3/22/2008, Register 185; am

___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.200
AS 02.15.060

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 45.590(3) is amended to read:

(3) "short-term" means a term of one year or less [LESS THAN ONE YEAR];

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.710(b)(2) is amended to read:

(2) sale or other disposal by competitive award under (g) [(F)] of this section;

(Eff. 3/22/2008, Register 185; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.210
AS 02.15.060

17 AAC 45.900(c)(9)(B) is amended to read:

(B) result in the monopolization of an aeronautical [AVIATION] use on the

airport. (Eff. 3/28/2002, Register 161; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.200 AS 37.15.470
AS 02.15.060 AS 02.15.220 AS 37.15.540
AS 02.15.090 AS 02.15.230

17 AAC 45.990(20) is repealed:

(20) repealed____/____/____; ["AUXILIARY USE" (A) MEANS A BUSINESS, SERVICE, OR OTHER FUNCTION THAT IS NEITHER AN AVIATION USE NOR A NONAVIATION USE AND IS LOCATED AND CARRIED OUT ON AN AIRPORT FOR THE CONVENIENCE OF THE AIR TRAVELING PUBLIC, AVIATION BUSINESSES ON THE AIRPORT, OR THE EMPLOYEES NECESSARY TO THE MAINTENANCE AND OPERATION OF AN AIRPORT; (B) INCLUDES THE FOLLOWING: (I) AIR FREIGHT FORWARDING; (II) GROUND TRANSPORTATION SERVICES NOT OPERATED BY THE DEPARTMENT, SUCH AS A TAXICAB SERVICE, AN AIRPORT LIMOUSINE OR SHUTTLE SERVICE, A RENTAL CAR AGENCY, OR A VEHICLE PARKING BUSINESS; (III) IN-FLIGHT CATERING; (IV) HOTEL ACCOMMODATION; (V) IN-TERMINAL FOOD SERVICE; (VI) IN-TERMINAL CONCESSIONS;]

17 AAC 45.990(22) is repealed:

(22) repealed ____/____/____; [“AVIATION USE” (A) MEANS A BUSINESS, SERVICE, OR OTHER FUNCTION THAT DIRECTLY INVOLVES, OR IS NECESSARY FOR, THE NORMAL OPERATION OF AIRCRAFT THAT USE AN AIRPORT; (B) INCLUDES THE FOLLOWING: (i) AIRCRAFT LOADING, UNLOADING, TIEDOWN, PARKING, STORAGE, SALES, SERVICE, RENTAL, MAINTENANCE, OR REPAIR; (ii) SALE OR STORAGE OF AVIATION FUEL AND AVIATION PETROLEUM PRODUCTS; (iii) PILOT FLIGHT TRAINING; (iv) AIR CHARTER OR AIR TAXI SERVICE; (v) AIRPORT TERMINAL BUILDING; (vi) AIR CARRIER OPERATIONS; (vii) AIRCRAFT GROUND HANDLING; (viii) AIRCRAFT PARTS SALES; (ix) AIR TRAFFIC CONTROL TOWER, AIR NAVIGATION AID, AND AVIATION WEATHER INSTRUMENTATION]

17 AAC 45.990(30)(B)(iv) is amended to read:

(iv) an aircraft leasing and rental **business** [BUSINESSES];

17 AAC 45.990(35) is amended to read:

(35) "concession" means a written agreement with the department, whether in the form of a permit, land lease, building lease, or other agreement, that authorizes the holder of the agreement to operate **a non-aeronautical** [AN AUXILIARY USE BUSINESS OR NON-AVIATION] use business on an airport or to derive business from the airport and that requires the holder to pay the department on a basis other than land or building rent only;

17 AAC 45.990(71) is repealed:

(71) repealed ____/____/____; [“NONAVIATION USE” MEANS (A) MEANS ANY BUSINESS, SERVICE, OR FUNCTION THAT (i) IS NOT AN AVIATION OR AUXILIARY USE; (ii) IS NOT DIRECTLY OR INDIRECTLY RELATED TO AVIATION OR TO THE AIR TRAVELING PUBLIC; (iii) DOES NOT OFFER A PRODUCT OR SERVICE THAT IS SPECIFICALLY RELATED TO AIRCRAFT OPERATIONS OR TO AIR TRANSPORTATION; OR (iv) IS LOCATED OR OPERATED TO DERIVE REVENUE PRIMARILY FROM MEMBERS OF THE PUBLIC NOT USING AIR TRANSPORTATION SERVICES; (B) INCLUDES A GROCERY STORE, A RESTAURANT, CAFE, FOOD WAGON, OR OTHER EATING ESTABLISHMENT NOT WITHIN A DEPARTMENT-OWNED TERMINAL, A LIQUOR STORE, LUMBER YARD, AGRICULTURAL ACTIVITY, GOLF COURSE, AUTOMOBILE SERVICE STATION, SHOPPING CENTER, AND BOWLING ALLEY;]

17 AAC 45.990(86) is amended to read:

(86) "responsible," when used in regard to contamination, means having materially contributed to the contamination, **having** assumed liability under an assignment, or being otherwise liable for the contamination by law or contract;

17 AAC 45.990 is amended by adding new paragraphs to read:

(108) "aeronautical use" means any airport land use activities that involve or are directly related to the operation of aircraft, including activities that make the operation of aircraft possible and safe. Services, located on the airport, that are directly and substantially related to the movement of passengers, baggage, mail, and cargo by aircraft on the airport are considered aeronautical uses.

(109) "non-aeronautical use" means any airport land use, business, service, or function that is not aeronautical-use;

(110) "special event" means a short-term private, public, or non-profit activity not already permitted under the terms of a lease, permit, or concession, and which requires use of the airport for aeronautical or non-aeronautical activity including civic, charitable, educational, religious, not-for-profit, or similar purposes, or activity of any sort which creates safety concerns or has the potential to disrupt normal or customary airport operations or activities. (Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am __/__/__, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.200
AS 02.15.060