

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520 465.5400 Fax
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sunny Haight
Department of Transportation and Public Facilities

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: April 26, 2017

RE: Filed Permanent Regulations: Department of Transportation and Public Facilities

Department of Transportation and Public Facilities regulations re: international and rural airports and assignment of security interests (17 AAC 42.045(d); 17 AAC 42.225(b); 17 AAC 42.265; 17 AAC 42.275(b)(3); 17 AAC 42.990(13); 17 AAC 45.045(d),(f); 17 AAC 45.225(b); 17 AAC 45.265(d),(e))

Attorney General File:	JU2016200827
Regulation Filed:	4/25/2017
Effective Date:	5/25/2017
Print:	222, July 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

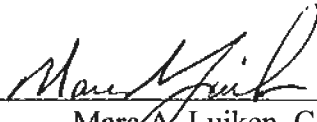
The attached 10 pages of regulations, dealing with rural and international airports, are adopted and certified to be a correct copy of the regulation changes that the Department of Transportation and Public Facilities adopts under the authority of AS 02.15.020, 02.15.050, 02.15.060, 02.15.070, 02.15.090, 02.15.200 - 02.15.240; AS 37.15.470, 37.15.500, and 37.15.540 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Transportation and Public Facilities paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 22 February 2017



Marc A. Luiken, Commissioner
Department of Transportation and Public Facilities

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

April 25, 2017, at 3:40 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott
Lieutenant Governor

Effective: May 25, 2017

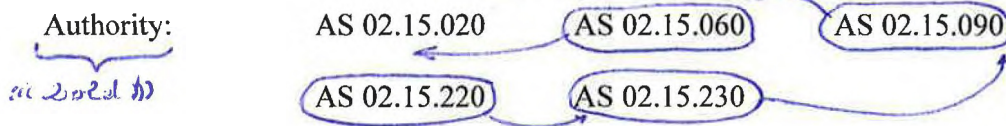
Register: 222, July 2017

Register 222, July 2017 TRANSP. AND PUBLIC FACILITIES

17 AAC 42.045(d) is amended to read:

(d) [THE DEPARTMENT MAY SEEK TO REQUIRE A] A person responsible for the contamination of airport property is required ^{shall} to remediate and return contaminated airport property to an environmentally acceptable condition to the satisfaction of any regulatory agency having jurisdiction. All plans for cleanup and disposal activities shall be submitted in advance to the airport manager for review and approval and are subject to restrictions imposed by the airport. [HOWEVER, ANY REGULATORY AGENCY APPROVAL OF A PROPOSED REMEDIATION PLAN THAT LIMITS THE FUTURE USE OF AIRPORT PROPERTY SHALL BE SUBJECT TO APPROVAL BY THE AIRPORT MANAGER BEFORE THE RESPONSIBLE PERSON MAY BEGIN REMEDIATION ACTIVITIES ON THE AIRPORT. A PERSON REMEDIATING CONTAMINATED AIRPORT PROPERTY MAY NOT UNREASONABLY INTERFERE WITH AIRPORT OPERATION OR DEVELOPMENT UNLESS THE MANAGER FIRST EXPRESSLY CONSENTS.]

(Eff. 1/14/2001, Register 157; am 5/25/2017 Register 222)



17 AAC 42.225(b) is amended to read:

- (b) In setting or extending the term for a land lease, the airport manager shall consider
- (1) the applicant's actual or proposed development and use of the premises;
 - (2) sound airport planning and anticipated needs for security, safety, maintenance, and operation of the airport;
 - (3) future development needs of the airport;

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(4) applicable covenants running with the land and restrictions in the state's title to airport property;

(5) the amount of investment, purchase price, fair market value, useful life, or remaining useful life of permanent improvements documented in the application, as applicable;

(6) the applicant's plan for remediation of any environmental contamination if the applicant did not cause or materially contribute to the contamination; [AND]

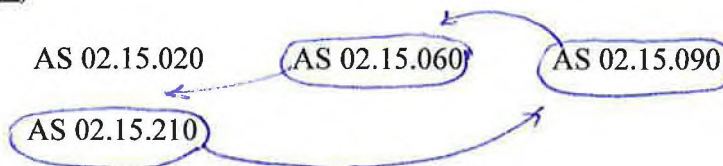
(7) the proposed method and terms of financing the applicant's investment; and

(8) the best interest of the state.

(Eff. 1/14/2001, Register 157; am 2/10/2001, Register 157; am 1/17/2016, Register 217; am

5/25/2017, Register 222)

Authority:
(in 2017)



17 AAC 42.265(c)(3) is amended to read:

(c) A request for consent to an assignment for security purposes must be submitted to the airport manager in writing and must include

(1) the name, address, and telephone contact number for the proposed assignee;

(2) three originals of the executed assignment documents with notarized signatures of the assignor and proposed assignee; and

(3) [AT LEAST] one copy of any deed of trust, promissory note, or other document that is a part of the security assignment transaction.

17 AAC 42.265(d) is amended to read:

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(d) A security assignment document must include provisions [A PROVISION] stating that[,]

(1) if the security assignee takes possession or control of the [SUBJECT] lease, permit, or concession that is subject to the security assignment, either directly or through a sub-tenant, by foreclosure or otherwise, under the security assignment, ^(A) the security assignee accepts responsibility for all of the assignor's obligations under the lease, permit, or concession, including environmental liability and responsibility, commencing as of the date the security assignee succeeds to the assignor's interest under the lease, permit, or concession; and ^(B) except as provided in ^{(3) of this subsection, those} 17 AAC 42.265(d)(3), all such obligations shall terminate as to the security assignee upon further transfer of the lease, permit, or concession by such assignee; ^{the security}

(2) the security assignee has an affirmative duty to notify the airport in writing upon the reconveyance or release of the security interest; and

(3) unless the security assignee participates in management of the airport tenant as the term is defined in 42 U.S.C. 9601(20)(F), the security assignee will have no environmental liability or responsibility for the period pre-dating the time when it took possession or control of the lease, permit or concession. The security assignee will also have no environmental liability or responsibility following a subsequent transfer of its entire interest in the lease, permit or concession unless, by its direct actions, negligence or failure to use due care, the security assignee either

(A) caused or contributed to a violation of any of the lease, permit or concession terms relating to environmental law or hazardous substances;

(B) violated either 17 AAC 42.045 or 17 AAC 42.050; or

(C) caused or contributed to actual financial damages to the airport due

3; in this paragraph "participates in management" has the meaning given in 42 U.S.C. 9601(20)(F);

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to a security assignee's breach of any environmental law], EXCEPT THAT A SECURITY ASSIGNEE HAS NO AFFIRMATIVE DUTY OR OBLIGATION UNDER A LEASE UNLESS THE SECURITY ASSIGNEE TAKES POSSESSION OR CONTROL OF THE LEASEHOLD.]

(((Transfer 12.22)))

17 AAC 42.265(e) is amended to read:

(e) Exercise by a security assignee of a power of sale or further assignment under a security assignment is subject to the consent of the airport manager under 17 AAC 42.275 with respect to any purchaser or assignee and shall be conditioned upon the purchaser or assignee accepting responsibility for all of the lessee's, permittee's, or concessionaire's [ASSIGNOR'S] obligations under the lease, permit, or concession, including environmental liability and responsibility.

17 AAC 42.265(f) is amended to read:

(f) If a lease, permit, or concession conflicts with an assignment for security purposes of an interest in the lease, permit, or concession [FOR SECURITY PURPOSES], the terms of the lease, permit, or concession control. 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.

amended by adding a new subsection to read:

17 AAC 42.265(h) is added:

(h) An assignment for security purposes under this section may be reassigned to another holder only upon consent of the airport manager under 17 AAC 42.275.

(Eff. 1/14/2001, Register 157; am 1/17/2016, Register 217; am 5/25/2017, Register 222)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

(((bold)))

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« Publisher: Except for 17 AAC 42.275(h)(3), existing 17 AAC 42.275 is unchanged. »

17 AAC 42.275(b) is amended to read:

~~(b) The airport manager will [SHALL] consent to a request to assign or sublease all or a portion of a lease, permit, or concession if the manager determines that~~

~~(1) the proposed assignee has demonstrated acceptable financial responsibility;~~

~~(2) the proposed assignee or sublessee has demonstrated its ability to perform under the lease, permit, or concession;~~

(3) denial of the request [APPROVAL] is not required under 17 AAC 42.010(g) with respect to either party to the assignment or sublease;

~~17 AAC 42.275(c) is amended to read:~~

~~(c) The airport manager must approve or deny a request under this section in writing. If the manager denies the request, the manager will [SHALL] state the reasons for the denial in writing. The manager will [SHALL] make a determination on a request for consent to assignment, assignment for security purposes, or sublease within 60 days after the assignor or sublessor has submitted a complete request.~~

(Eff. 1/14/2001, Register 157; am 1/17/2016, Register 217; am 5/25/2017, Register 222)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

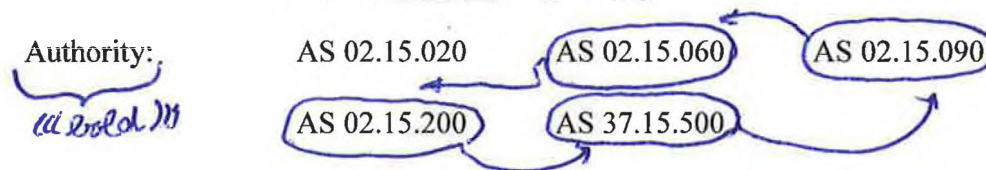
Unrevised

17 AAC 42.990 is amended to read:

(13) "assignment for security purposes" means an assignment that grants to a creditor an interest in a lease, permit, or concession, including improvements, as collateral to ensure [ASSURE] payment or performance of a debt, loan, or other obligation by the lessee,

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permittee, or concessionaire;

(Eff. 1/14/2001, Register 157; am 10/20/2002, Register 164; am 11/1/2003, Register 168; am
1/17/2016, Register 217; am 5/25/2017, Register 222)



17 AAC 45.045(d) is amended to read:

(d) [THE DEPARTMENT MAY SEEK TO REQUIRE A] A person responsible [UNDER
THIS CHAPTER] for the contamination of airport property ~~is required~~ ^{shall} to remediate and return
contaminated airport property to an environmentally acceptable condition to the satisfaction of any
regulatory agency having jurisdiction. All plans for cleanup and disposal activities shall be
submitted in advance to the department for review and approval and are subject to
restrictions imposed by the department. [HOWEVER, ANY REGULATORY AGENCY
APPROVAL OF A PROPOSED REMEDIATION PLAN THAT LIMITS THE FUTURE USE
OF AIRPORT PROPERTY ^{IS} ~~SHALL BE~~ SUBJECT TO APPROVAL BY THE DEPARTMENT
BEFORE THE RESPONSIBLE PERSON MAY BEGIN REMEDIATION ACTIVITIES ON
THE AIRPORT. A PERSON REMEDIATING CONTAMINATED AIRPORT PROPERTY
MAY NOT UNREASONABLY INTERFERE WITH

(1) A LESSEE'S USE OF, OR ACCESS TO, THE LESSEE'S PREMISES,
UNLESS

(A) THE CONTAMINATION IS A DIRECT RESULT OF THE
LESSEE'S OPERATIONS; OR

(B) THE LESSEE FIRST EXPRESSLY CONSENTS; OR

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(2) AIRPORT OPERATION OR DEVELOPMENT UNLESS THE
DEPARTMENT FIRST EXPRESSLY CONSENTS.]

17 AAC 45.045(f) is amended to read:

(f) For purposes of this section, interference with [(1)] a lessee's use of, or access to, the
lessee's premises is unreasonable if the interference

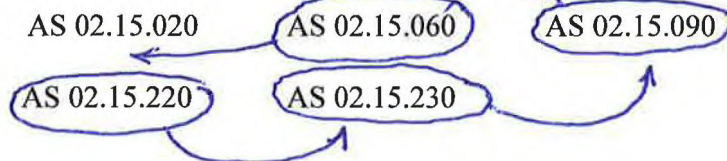
(1) [(A)] poses a safety hazard or a substantial disruption of the lessee's use of, or
access to, the lessee's premises; or

(2) [(B)] can be avoided without materially increasing the cost or materially
decreasing the effectiveness of the effort to achieve remediation satisfactory to all agencies having
jurisdiction, or a reasonable environmental assessment, as applicable [;];

7 (2) AIRPORT OPERATION OR DEVELOPMENT IS UNREASONABLE IF
THE INTERFERENCE POSES A SAFETY HAZARD OR A MATERIAL DISRUPTION OF
AIRPORT OPERATION OR DEVELOPMENT].

(Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 5/25/2017, Register 222)

Authority:
((bold))



17 AAC 45.225(b) is amended to read:

(b) In setting or extending the term for a land lease, the department will consider

(1) the applicant's actual or proposed development and use of the premises;

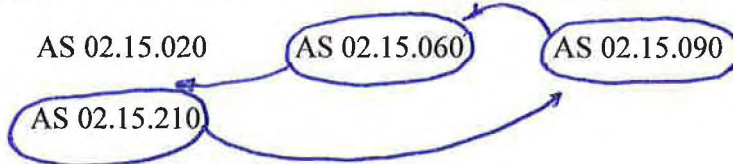
(2) sound airport planning and anticipated needs for security, safety, maintenance,
and operation of the airport;

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- (3) future development needs of the airport;
- (4) applicable covenants running with the land and restrictions in the state's title to airport property;
- (5) the amount of investment, purchase price, fair market value, or remaining useful life of permanent improvements documented in the application, as applicable;
- (6) the applicant's plan for remediation of any environmental contamination if the applicant did not cause or materially contribute to the contamination; [AND]
- (7) the proposed method and terms of financing the applicant's investment; and
- (8) the best interest of the state.

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am 5/25/2017, Register 222)

Authority:
(11 2017)



17 AAC 45.265(d) is amended to read:

(d) A security assignment document must include provisions [A PROVISION] stating that

(1) if the security assignee takes possession or control of the lease or concession that is subject to the security assignment, either directly or through a sub-tenant, by foreclosure or otherwise, under the security assignment, ^(CA) the security assignee accepts responsibility for all of the assignor's obligations under the lease or concession, including environmental liability and responsibility, commencing as of the date the security assignee succeeds to the assignor's interest under the lease or concession; and ⁽³⁾ except as provided in 17 AAC 45.265(d)(3), all such obligations shall terminate as to the security assignee upon further transfer of the lease or concession by such assignee; ^{(3) of this subsection, those}

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(2) [THE SECURITY ASSIGNMENT MUST ALSO IMPOSE ON] the security assignee has an affirmative duty to notify the state in writing upon the reconveyance or release of the security interest; and

(3) unless the security assignee ²participates in management² of the airport
tenant as the term is defined in 42 U.S.C. 9601(20)(F) ^{does not have} the security assignee will have no
environmental liability or responsibility for the period pre-dating the time when it took
possession or control of the lease or concession ^{lower case} The security assignee ^{does not} will also have no
environmental liability or responsibility following a subsequent transfer of its entire interest
in the lease or concession unless, by its direct actions, negligence or failure to use due care,
the security assignee ²either

(A) caused or contributed to a violation of any of the lease or concession
terms relating to environmental law or hazardous substances;

(B) violated ²either 17 AAC 45.045 or 17 AAC 45.050; or

(C) caused or contributed to actual financial damages to the airport due
to a security assignee's breach of any environmental law.

in this paragraph,
"participates in
management" has the
meaning given in
42 U.S.C.
9601(20)(F):

17 AAC 45.265(e) is amended to read:

(e) Exercise by a security assignee of a power of sale or further assignment under a
security assignment is subject to the consent of the department under 17 AAC 45.275 with
respect to any purchaser or assignee and shall be conditioned upon the purchaser or assignee
accepting responsibility for all of the lessee's or concessionaire's obligations under the lease
or concession, including environmental liability and responsibility. [NOTWITHSTANDING
ANY POWER OF SALE OR REASSIGNMENT IN THE SECURITY AGREEMENT, A

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SECURITY ASSIGNEE MAY NOT SELL OR ASSIGN ANY INTEREST IN A LEASE OR CONCESSION WITHOUT FIRST OBTAINING THE WRITTEN CONSENT OF THE DEPARTMENT UNDER 17 AAC 45.275, INCLUDING THE APPROVAL OF THE PURCHASER OR ASSIGNEE. CONSENT UNDER THIS SUBSECTION MUST BE CONDITIONED UPON THE PURCHASER OR ASSIGNEE ACCEPTING LIABILITY AND RESPONSIBILITY FOR ALL OF THE ASSIGNOR'S OBLIGATIONS UNDER THE LEASE OR CONCESSION, INCLUDING ENVIRONMENTAL LIABILITY AND RESPONSIBILITY.]

(Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185; am 3/20/2016, Register 217; am

5/25/2017, Register 222)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

11/26/2017

MEMORANDUM

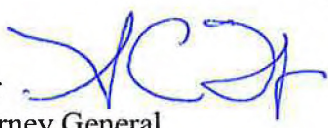
State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: April 25, 2017

File No.: JU2016200827

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Transportation and
Public Facilities regulations re:
international and rural airports and
assignment of security interests
(17 AAC 42.045(d); 17 AAC
42.225(b); 17 AAC 42.265; 17 AAC
42.275(b)(3); 17 AAC 42.990(13);
17 AAC 45.045(d), (f); 17 AAC
45.225(b); 17 AAC 45.265(d), (e))

We have reviewed the attached regulations from the Department of Transportation and Public Facilities against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated April 19, 2017 from the Regulations Attorney. The regulations update requirements regarding assignment of security interests at international and rural airports, in particular to clarify the environmental liability of a security assignee.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The December 5, 2016 public notice and the February 22, 2017 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200827

April 25, 2017
Page 2

We have made some technical corrections to the regulations, in accordance with AS 44.62.125 and as shown on the attached copy.

SCW

cc w/enc: (via email)

Hon. Marc Luiken, Commissioner
Department of Transportation and Public Facilities

Sunny Haight, Regulations Contact
Department of Transportation and Public Facilities

John R. Binder III, Deputy Commissioner
Alaska International Airport System
Department of Transportation and Public Facilities

William A. Moss
Ted Stevens Anchorage International Airport
Department of Transportation and Public Facilities

Lindsey S. Holmes, Assistant Attorney General
Transportation Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: April 19, 2017

FILE NO.: JU2016200827

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SPP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority regarding regulations review on Department of Transportation and Public Facilities regulations re: international and rural airports and assignment of security interests (17 AAC 42.045(d); 17 AAC 42.225(b); 17 AAC 42.265; 17 AAC 42.275(b)(3); 17 AAC 42.990(13); 17 AAC 45.045(d), (f); 17 AAC 45.225(b); 17 AAC 45.265(d), (e))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES ON INTERNATIONAL AIRPORTS
IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES

The Department of Transportation and Public Facilities proposes to change regulations on international airports at Anchorage and Fairbanks and rural airports to modify several provisions related to a lease assignment for security purposes, correct grammar, and improve the clarity of provisions.

The Department of Transportation and Public Facilities (DOT&PF) proposes to adopt regulation changes in Title 17, Chapters 42 and 45 of the Alaska Administrative Code, dealing with international airports at Anchorage and Fairbanks and rural airports to include the following:

- (1) 17 AAC 42.045(d) is proposed to be changed as follows: replace existing language with a simpler more direct statement, no change to the overall intent or effect of the provision is intended.
- (2) 17 AAC 42.225(b) is proposed to be changed as follows: add a sub-paragraph providing that the airport manager may use the best interest of the state as a consideration in setting or extending the term for a land lease.
- (3) 17 AAC 42.265(c)(3) is proposed to be changed as follows: remove “at least” to reduce the requirement to one copy of security assignment documentation.
- (4) 17 AAC 42.265(d) is proposed to be changed as follows: clarify some ambiguous language in the paragraph; add a requirement that a security assignment document must include an affirmative duty to notify the airport in writing upon reconveyance; and add language to clarify environmental liability of a security assignee.
- (5) 17 AAC 42.265(e) is proposed to be changed to replace “assignor” with “lessee, permittee or concessionaire” to more specifically describe whose obligations are being referenced.
- (6) 17 AAC 42.265(f) is proposed to be changed as follows: move a misplaced phrase to the correct location in the sentence.
- (7) 17 AAC 42.265(h) is proposed to be added to reinforce that airport consent is required for reassignment of an assignment for security purposes.
- (8) 17 AAC 42.275(b) and (c) are proposed to be changed as follows: replace “shall” where “will” is the proper term and correct an error that referred to the denial of an approval where the denial of the request was intended.
- (9) 17 AAC 42.990(13) is proposed to be changed as follows: correct a word use error by replacing “assure” with “ensure.”

- (10) 17 AAC 45.045(d) is proposed to be changed as follows: reword existing language with a broader statement which reflects identical language being added to 17 AAC 42.045(d), no change to the overall intent or effect of the provision is intended.
- (11) 17 AAC 45.045(f) is proposed to be changed as follows: delete a definition of a term that is no longer used in the proposed regulations.
- (12) 17 AAC 45.225(b) is proposed to be changed as follows: add a sub-paragraph providing that the airport manager may use the best interest of the state as a consideration in setting or extending the term for a land lease.
- (13) 17 AAC 45.265(d) is proposed to be changed as follows: reorganize the paragraph to clarify ambiguous language in the paragraph and add language to clarify environmental liability of a security assignee.
- (14) 17 AAC 45.265(e) is proposed to be changed as follows: amend language to provide consistency between 17 AAC 42.265 and 17 AAC 45.265 regarding sale or further assignment under a security assignment.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alex Moss, AIAS Planning Manager at P.O. Box 196960, Anchorage, Alaska, 99519-6960. Additionally, the DOT&PF will accept comments by electronic mail at dot.aias.staff@alaska.gov. Comments must be received no later than 4:00pm on January 6, 2017. Written comments received are public records and are subject to public inspection.

You may submit written questions relevant to the proposed action to Alex Moss, AIAS Planning Manager at P.O. Box 196960, Anchorage, Alaska, 99519-6960 or by email to dot.aias.staff@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The DOT&PF may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period. The DOT&PF will aggregate its response to substantially similar questions and make the questions and response available on Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alex Moss, AIAS Planning Manager, dot.aias.staff@alaska.gov or (907)266-2119, not later than 4:00pm on December 22, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, <http://aws.state.ak.us/OnlinePublicNotices>, or by contacting Alex Moss, AIAS Planning Manager at (907)266-2119, or P.O. Box 196960, Anchorage, Alaska, 99519-6960.

After the public comment period ends, the DOT&PF will either adopt the proposed regulation

changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 02.10.010; AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 44.42.030

Statutes being implemented, interpreted, or made specific: AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 02.15.210; AS 02.15.220; AS 02.15.230

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: November 30, 2016



John R. Binder III, Deputy Commissioner

NOTICE OF PROPOSED CHANGES ON INTERNATIONAL AIRPORTS
IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES

The Department of Transportation and Public Facilities (DOT&PF) proposes to adopt regulation changes in Title 17, Chapters 42 and 45 of the Alaska Administrative Code, dealing with international airports at Anchorage and Fairbanks and rural airports to modify several provisions related to a lease assignment for security purposes, correct grammar, and improve the clarity of regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alex Moss, AIAS Planning Manager at P.O. Box 196960, Anchorage, Alaska, 99519-6960. Additionally, the DOT&PF will accept comments by electronic mail at dot.aias.staff@alaska.gov. Comments must be received no later than 4:00pm on January 6, 2017. Written comments received are public records and are subject to public inspection.

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, <http://aws.state.ak.us/OnlinePublicNotices>, or by contacting Alex Moss, AIAS Planning Manager, dot.aias.staff@alaska.gov, (907)266-2119.

After the public comment period ends, the DOT&PF will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

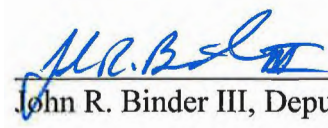
Statutory authority: AS 02.10.010; AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 44.42.030

Statutes being implemented, interpreted, or made specific: AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 02.15.210; AS 02.15.220; AS 02.15.230

Fiscal information: The proposed regulation changes are not expected to require an increased

appropriation.

Date: November 30, 2016

A handwritten signature in blue ink, appearing to read "J.R. Binder III", is written over a horizontal line.

John R. Binder III, Deputy Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Transportation and Public Facilities
2. General subject of regulation: International and Rural Airports
3. Citation of regulation (may be grouped): 17 AAC 42.005 – 42.990, 45.005 – 45.990
4. Department of Law file number, if any: JU2016200827

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- () Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- (x) Development of program standards
- (x) Other (identify): corrections to outdated provisions

6. Appropriation/Allocation: None

7. Estimated annual cost to comply with the proposed action to:

A private person: None

Another state agency: None

A municipality: None

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2017__	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Alex Moss
Title: AIAS Planning Manager
Address: P.O. Box 196960, Anchorage, AK 99519-6960
Telephone: (907)266-2540
E-mail address: alex.moss@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☒ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: November 30, 2016 Prepared by: William A. Moss

Name (printed): William A. Moss
Title (printed): AIAS Planning Manager
Telephone: (907)266 2540 _____

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, William A. Moss, of the Department of Transportation and Public Facilities, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to the Alaska Administrative Code, Title 17, Chapters 42 and 45, dealing with international and rural airports has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Transportation Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

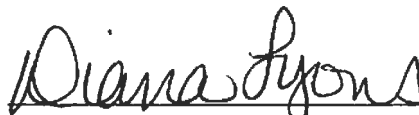
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/12/2017

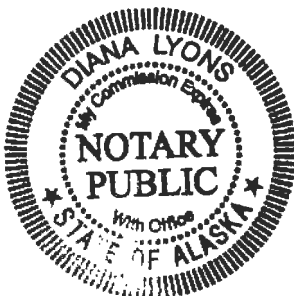


William A. Moss, AIAS Planning Manager

Subscribed and sworn to before me at Anchorage, Alaska on 12 January 2017.



Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, William A. Moss, AIAS Planning Manager for the Department of Transportation and Public Facilities, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Transportation and Public Facilities has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Transportation and Public Facilities regulations on international and rural airports.

Date: 1/12/2017

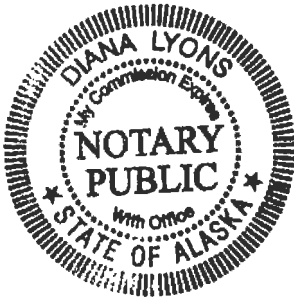
William A. Moss

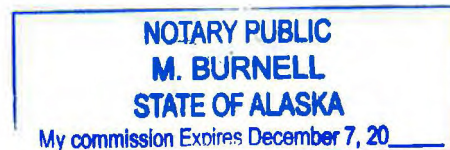
William A. Moss, AIAS Planning Manager

Subscribed and sworn to before me at Anchorage, Alaska on
12 January 2017.

Diana Lyons

Notary Public in and for the State of Alaska





AFFP

NOTICE OF PROPOSED CHANGES

Affidavit of Publication

UNITED STATES OF AMERICA
STATE OF ALASKA
FOURTH DISTRICT } SS.

Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

December 05, 2016

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.



Advertising Clerk

Subscribed to and sworn to me this 5th day of December 2016.



Marena Burnell, Notary Public in and for the State Alaska.

My commission expires: December 07, 2017

00007300 00038638

LG ADV ACCT THERESA HARVEY
ST OF AK, FAIRBANKS INTERN'L AIRPORT
6450 AIRPORT WAY STE 1
FAIRBANKS, AK 99709

38638

NOTICE OF PROPOSED CHANGES ON
AIRPORTS IN THE REGULATIONS OF THE
DEPARTMENT OF TRANSPORTATION AND
PUBLIC FACILITIES

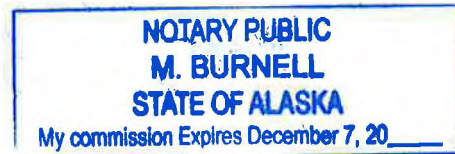
The Department of Transportation and Public Facilities (DOT&PF) proposes to adopt regulation changes in Title 17, Chapters 42 and 45 of the Alaska Administrative Code, dealing with airports at Anchorage and Fairbanks and rural airports to modify several provisions related to a lease assignment for security purposes, correct grammar, and improve the clarity of regulations.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alex Moss, AIAS Planning Manager at P.O. Box 196960, Anchorage, Alaska, 99519-6960. Additionally, the DOT&PF will accept comments by electronic mail at dot.aias.staff@alaska.gov. Comments must be received no later than 4:00pm on January 6, 2017. Written comments received are public records and are subject to public inspection.

You may submit written questions relevant to the proposed action to Alex Moss, AIAS Planning Manager at P.O. Box 196960, Anchorage, Alaska, 99519-6960 or by email to dot.aias.staff@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The DOT&PF may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period. The DOT&PF will aggregate its response to substantially similar questions and make the questions and response available on Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alex Moss, AIAS Planning Manager, dot.aias.staff@alaska.gov, (907)266-2119, not later than 4:00pm on December 22, 2016, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, <http://aws.state.ak>.



us/OnlinePublicNotices, or by contacting Alex Moss, AIAS Planning Manager, dot.aias.staff@alaska.gov, (907)266-2119.

After the public comment period ends, the DOT&PF will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 02.10.010; AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 44.42.030

Statutes being implemented, interpreted, or made specific: AS 02.15.020; AS 02.15.060; AS 02.15.090; AS 02.15.200; AS 02.15.210; AS 02.15.220; AS 02.15.230

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: November 30, 2016

/s/

John R. Binder III, Deputy Commissioner

Publish: 12/05/16

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\$318.74

AFFIDAVIT OF PUBLICATION

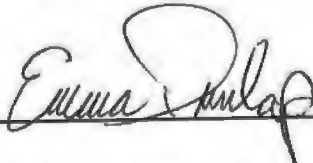
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

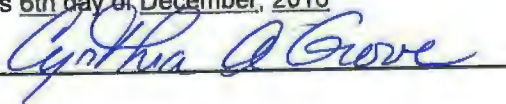
December 05, 2016

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

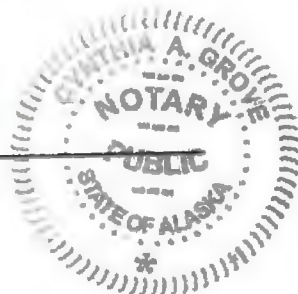


Subscribed and sworn to before me
this 6th day of December, 2016



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

11/09/18



NOTICE OF PROPOSED CHANGES ON AIRPORTS IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities (DOT&PF) proposes to adopt regulation changes in Title 17, Chapters 42 and 45 of the Alaska Administrative Code, dealing with international airports at Anchorage and Fairbanks and rural airports to modify several provisions related to a lease assignment for security purposes, correct grammar, and improve the clarity of regulations.

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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: November 30, 2016

/s/
John R. Binder III, Deputy Commissioner

Published: December 5, 2016