

17 AAC 42.500 is repealed and readopted to read:

17 AAC 42.500. Scope, purpose, and categories. (a) 17 AAC 42.500 – 17 AAC 42.599 apply only to permits provided for the parking of non-transient light aircraft at suitable tiedown locations on Ted Stevens Anchorage International Airport.

(b) Tiedown permit categories are land, water and ice. The airport manager may establish other categories or sub-categories.

(c) The airport manager will determine, based on airport needs, such as airport expansion, development, operation, or other state purpose, which tiedowns are available for permit assignment and when a tiedown must be reassigned under a permit. (Eff. 1/14/2001, Register 157; am ___/___/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.510 is repealed and readopted to read:

17 AAC 42.510. Application, qualification, approval and tiedown assignment. (a) To apply for a tiedown permit an applicant must submit a completed, signed application and pay any applicable fee established by 17 AAC 42.125. For permit renewal see 17 AAC 42.530.

(b) To qualify for a tiedown permit, an applicant must

- (1) meet the permittee requirements in 17 AAC 42.520(b); and
- (2) if applicable, be next on the wait-list for the tiedown permit category, subject to 17 AAC 42.560.

(c) A qualified applicant will be approved for a tiedown permit and the airport manager will assign a suitable tiedown location unless

(1) no tiedown suitable for the intended aircraft is available in the category requested by the applicant, in which case the airport manager will offer the applicant the next suitable tiedown in the requested category that is available for assignment to new applicants;

(2) the applicant is precluded from permit eligibility by this chapter or other applicable legal or regulatory authority; or

(3) it is in the best interest of the state not to approve the permit application under 17 AAC 42.900.

(d) Denial of a permit must be in writing and include the reason for the denial.

(e) Available tiedowns are assigned to permits in the following order of priority:

(1) switch-list member permits in accordance with 17 AAC 42.570;

(2) wait-list member approved permit applications in accordance with 17 AAC 42.560; and

(3) approved permit applications on a first-come first-served basis. (Eff. 1/14/2001, Register 157; am 12/8/2013, Register 208; am ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.090
AS 02.15.060

17 AAC 42.520 is repealed and readopted to read:

17 AAC 42.520. Terms and conditions. (a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) A tiedown permittee or permit applicant must

(1) pay any applicable fees as established by 17 AAC 42.125;

(2) list at least one aircraft on the permit that meets the requirements of 17 AAC 42.520(m);

(3) within 90 days of receiving a tiedown assignment, begin parking an appropriate aircraft listed on the permit at the assigned tiedown, or for a water tiedown if the 90 days limit falls outside the float season, then 30 days into the next float season;

(4) not be named or listed on more than one current land or water tiedown permit except as allowed by 17 AAC 42.520(c);

(5) for a water tiedown permit, also

(A) hold a pilot certificate with a seaplane rating for the aircraft listed on the permit;

(B) intend to routinely park and fly an aircraft as listed on the permit using the permitted water tiedown location;

(C) not be listed as a permittee on any other water tiedown permit; and

(6) be in compliance with applicable material requirements of 17 AAC 42.500 - 17 AAC 42.599 and any other applicable provision of 17 AAC 42; the airport manager may conduct tiedown inspections to monitor compliance and require a permittee or permit applicant to submit written or other documentation the airport manager considers appropriate to establish compliance.

(c) A permittee is limited to one permit at a time unless

(1) the airport manager determines there are excess land tiedowns, then an additional permit for a land tiedown may be considered; or

(2) the additional permit is for an ice tiedown.

(d) A permit may list more than one permittee, if each permittee qualifies for the permit and the result does not otherwise contravene applicable provisions of 17 AAC 42.

(e) A permit is held only by the permittee(s) listed on the permit; no one else has any right or privilege under the permit for any reason.

(f) A permit is valid for

- (1) a land or water tiedown, a maximum of three years; and
- (2) an ice tiedown, a single ski season.

(g) A permit does not convey real property rights, and may not be transferred, assigned or sublet.

(h) If a permittee relinquishes or is otherwise removed from a permit, or if the permit is canceled in accordance with 17 AAC 42.550, the former permittee has no rights to nor standing in the subsequent disposition of the permit.

(i) A permit may have only one tiedown location assigned.

(j) A tiedown is accepted by a permittee on an “as is” and “own risk” basis.

(k) Tiedown uses and activity are specifically authorized and limited by this chapter and airport operational orders, all other uses and activity are considered noncompliant. For a tiedown assigned to a permit,

(1) only aircraft listed on the permit may be parked at the tiedown;

(2) more than one qualifying aircraft may be listed on the permit, however

(A) only one aircraft may be physically parked at a tiedown location at a given time, unless additional aircraft are approved by the airport manager; and

(B) any aircraft physically parked at the tiedown is subject to fees established in 17 AAC 42.125;

(3) a permittee may store personal property at the tiedown such as aircraft floats, skis, wheels, trailers, and tools that

(A) directly support the operation or maintenance of the aircraft listed on the permit;

(B) do not present a hazard or nuisance; and

(C) do not interfere with or obstruct aircraft parking, rights of way, public roads, taxiways, and other tiedowns or premises;

(4) placement of specialized aircraft support vehicles or apparatus such as boom or lift trucks at the tiedown requires specific approval of the airport manager;

(5) the airport manager may direct relocation, removal or impoundment of any aircraft, vehicle or other item located at a tiedown;

(6) a permittee is responsible for the proper use and general upkeep of the tiedown location and shall keep the tiedown in a clean, neat, and presentable condition, and avoid interference with or obstruction of public roads, taxiways, and other tiedowns or premises;

(7) the airport is not obligated to perform snow or ice removal in the tiedown space;

(8) a permittee must obtain an airport building permit under 17 AAC 42.280 before performing any improvement or construction on a tiedown;

(9) the permittee is responsible for all costs associated with repairing damage to airport property; and

(10) the tiedown may be used for commercial purposes only if the permit expressly authorizes that use and any applicable fee established by 17 AAC 42.125 is paid.

(l) If determined by the airport manager that a tiedown location is needed for airport expansion, development, operation, or other state purpose or otherwise becomes unsuitable for permittee use, then the permittee may be reassigned another tiedown permit location in the same category. If the relocation is temporary, then the permittee may expect to return to the original tiedown location when it becomes available. If no suitable tiedown in the same category is available, then the permittee will be placed on the top of the switch-list or wait-list, as appropriate, and any switch or wait-list fee established by 17 AAC 42.125 is waived.

(m) Aircraft listed on a permit,

(1) must be owned by the permittee(s);

(2) must be airworthy and appropriate for the tiedown assigned on the permit;

(3) may not be the only aircraft listed on another tiedown permit issued to a different permittee;

(4) may not be the only aircraft listed on another tiedown permit of the same category; and

(5) if assigned to a water tiedown,

(A) must be based at the airport;

(B) when water is open for seaplane operations, must be

(i) float equipped for not less than 90 days; and

(ii) flown while float equipped from the permitted water tiedown at least three times during the float season by each permittee listed on the permit.

(n) After initially conforming to all permit requirements, a permittee who no longer conforms to (b)(4), (b)(6)(A) or (m)(1) of this section may be allowed up to six months to correct the deficiency, subject to airport manager approval. In addition to any extension provided under

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17 AC 42.590, the airport manager may extend the time required to correct any permit deficiency by up to one year upon a showing of good cause. (Eff. 1/14/2001, Register 157; am 12/8/2013, Register 208; am 1/17/2016, Register 217; am ___/___/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.525 is repealed:

17 AAC 42.525. Permit limitations. Repealed (Eff. 1/14/2001, Register 157; repealed ___/___/____, Register ____)

17 AAC 42.530 is repealed and readopted to read:

17 AAC 42.530. Permit renewal. (a) To retain a tiedown permit beyond the expiration date on the current permit, a permittee must apply for and receive approval for permit renewal. An application for permit renewal is not subject to any wait-list or switch-list established by 17 AAC 42.560 or 42.570. There is no limit to the number of times a permit may be renewed. Permit renewal does not guarantee that a permittee will remain assigned to the same tiedown location. A renewed permit is subject to 17 AAC 42.500 – 42.599.

(b) A permit renewal applicant must, during the 90-day period before the expiration date of the permit, submit a completed, signed application for a permit renewal to the airport manager and pay any fee established by 17 AAC 42.125.

(c) The airport manager shall approve an application for a permit renewal unless the manager determines that

(1) the permit renewal application is deficient;

(2) the permittee is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599 or is precluded from permit eligibility by this chapter or other applicable legal or regulatory authority;

(3) it is in the best interest of the state not to approve the permit renewal application under 17 AAC 42.900; or

(4) no tiedown in the requested category is available, in which case the permittee will be placed on the top of the switch-list or wait-list, as appropriate, and any switch or wait-list fee established by 17 AAC 42.125 is waived. (Eff. 1/14/2001, Register 157; am ___/___/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.535 is added

17 AAC 42.535. Temporary tiedown use. (a) A permittee may offer to make the tiedown assigned to their permit temporarily available to the airport manager for up to one year of airport use. The temporary use period may not extend beyond the expiration date of the permit and may not occur in the first year a permittee is assigned a tiedown. The airport manager may

- (1) refuse the offer of the temporary use of the tiedown; or
- (2) accept the temporary use of the tiedown

(A) for any airport purpose, but primarily to meet a temporary demand for tiedowns and in no case for the sole purpose of providing the permittee relief from permit fees;

(B) for only one temporary period per calendar year per permit;

(C) in no more than 2 consecutive years per permit; and

(D) for a water tiedown permit only if the temporary use period is entirely during the float season.

(b) For the temporary use period,

(1) a permittee listed on the permit has no rights or obligations under the permit;

(2) a permittee listed on the permit may not access or make any use of the tiedown for any purpose;

(3) the permit fee established by 17 AAC 42.125 is waived for the permittee on a pro rata basis for the duration of the temporary use period;

(4) the tiedown use and status are at the discretion of the airport manager;

(5) the airport is not responsible for any personal items left at the tiedown; and

(6) the permittee agrees to accept the tiedown at the end of the temporary use period in an “as is” condition. (Eff. __/__/____, Register__)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.540 is repealed and readopted to read:

17 AAC 42.540. Switch-list procedures. (a) If there is sustained permittee demand within a tiedown category for relocating to different tiedown locations, the airport manager may establish, administer, and maintain a chronological switch-list to offer tiedown permit relocation opportunities within the category. Placement on a switch-list does not create a right or obligation of the permittee to obtain a different tiedown location.

(b) To qualify as a switch-list member, applicants must

(1) be a current tiedown permittee with no outstanding obligation to the airport and in compliance with 17 AAC 42.500 - 599;

(2) submit a completed, signed switch-list application to the airport manager; and

(3) pay any fee established by 17 AAC 42.125;

(c) The chronological list of names on the switch-list will be available for public viewing.

(d) Switch-list members are responsible for providing updated contact information to the airport manager.

(e) Tiedowns available for assignment to the switch-list will be offered to switch-list members waiting for that category of permit in turn with chronological precedence, except as provided in 17 AAC 42.520(l).

(f) A permittee must satisfy the requirements for a permit under 17 AAC 42.520 at the time a tiedown is offered.

(g) The airport manager shall remove from the switch-list a switch-list member who

(1) requests removal from the switch-list;

(2) fails to comply with a requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter;

(3) ceases to be a permittee; or

(4) declines an offer to switch tiedowns. (Eff. 1/14/2001, Register 157; am

___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.550 is repealed and readopted to read:

17 AAC 42.550. Wait-list procedures. (a) If the number of tiedowns in a category is not sufficient to meet sustained demand, the airport manager may establish, administer, and maintain a chronological wait-list.

(b) To qualify as a wait-list member, applicants must

(1) submit a completed, signed wait-list application to the airport manager;

(2) for a water tiedown permit wait-list, provide a copy of the individual's pilot or student pilot certificate;

(3) pay any fee established by 17 AAC 42.125; and

(4) meet the requirements of 17 AAC 42.520(b), except (b)(3) and (b)(5).

(c) The chronological list of names on the wait-list will be posted for public viewing.

(d) Wait-list members are responsible for providing updated contact information to the airport manager.

(e) Tiedowns available for assignment to the wait-list will be offered to qualified wait-list members waiting for that category of permit in turn with chronological precedence, except as provided in 17 AAC 42.520(l). Wait-list members approaching the top of a wait-list may submit a permit application at any time to expedite the assignment process.

(f) When at the top of the wait-list, a wait-list member must apply and qualify for a permit within 5 business days of being offered a permit opportunity. A wait-list member may provide proof of qualification and have an application on file prior to being offered a permit opportunity. If a wait-list member is not in compliance within five business days following an offer, the offer is no longer valid and the wait-list member will be moved to the top of the wait-list for permit opportunities in the next float season.

(g) The airport manager shall remove a person from the wait-list

(1) when the person requests removal;

(2) when the person fails to comply with a requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter within 30 days after the manager mails or delivers written notice of noncompliance to the person;

(3) when a wait-list member at the top of the wait-list twice fails to qualify for or accept a permit offer in the time criteria established under (f); or

(4) upon the death of the wait-list member. (Eff. 1/14/2001, Register 157; am ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.560 is repealed:

17 AAC 42.560. Permit, switch-list, and wait-list information. Repealed. (Eff. 1/14/2001, Register 157; repealed ___/___/___, Register ___)

17 AAC 42.570 is repealed and readopted to read:

17 AAC 42.570. Permit cancellation. (a) A permit is canceled

(1) at midnight of the expiration date of the permit;

(2) if a permittee listed on the permit fails to comply with a requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter within 30 days after notification of the failure to comply is sent;

(3) upon notice of cancellation to the airport manager by all permittees listed on the permit; or

(4) upon the death of a permittee if there is no other living permittee listed on the permit.

(b) For permits with multiple permittees, a permittee may be removed from the permit without the permit being canceled.

(c) Upon cancellation of a permit, the permittee or permittee's estate shall, at their own expense

(1) remove all aircraft and personal property from the tiedown, except items transferred to the subsequent permittee assigned to the tiedown;

(2) restore the tiedown to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) peaceably and quietly vacate the tiedown.

(d) The actions listed in (c) of this section shall be accomplished

(1) by the permittee within 14 days after the cancellation of the permit; or

(2) by the permittee's estate within 180 days after the cancellation of the permit if canceled due to the death of the permittee.

(e) Until the airport manager has confirmed the permittee or permittee's estate is in compliance with (c) of this section, the permittee or permittee's estate shall

(1) continue to pay the permit fee on a pro rata basis; and

(2) be subject to all provisions of the permit and 17 AAC 42.500 – 599, except 17 AAC 42.520(m).

(f) Upon cancellation of a permit, the department shall refund any excess prepaid permit fees on a pro rata basis after deducting any liability of the permittee or permittee's estate owed to

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the department under this chapter. (Eff. 1/14/2001, Register 157; am ___/___/____, Register _____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.580 is added

17 AAC 42.580. Transitional compliance requirements. (a) On the effective date of these regulations, all existing permits will expire on the date shown on the permit.

(b) The aircraft ownership requirement in 17 AAC 42.520(m)(1) may be fulfilled by an aircraft lease for up to two years from the effective date of these regulations or the expiration date of the permit that exists on the effective date of these regulations, whichever is later.

(Eff. ___/___/____, Register _____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.590 is repealed and readopted to read:

17 AAC 42.590. Extension and protest. (a) If an individual shows good cause to the satisfaction of the airport manager, the manager may approve a request to extend the time to perform an act required by 17 AAC 42.500 – 599. The request must be in writing and include justification for the request and a date by which the required act will be completed. Any extension or combination of extensions granted under this subsection must be in writing and may not exceed one year.

(b) An applicant or permittee may protest the airport manager's decision to deny an application, cancel a permit, or reassign a tiedown in accordance with 17 AAC 42.910. (Eff. 1/14/2001, Register 157; am ___/___/____, Register _____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.599 is repealed and readopted to read:

17 AAC 42.599. Definitions. In this article, unless the context requires otherwise,

- (1) "airport" means Ted Stevens Anchorage International Airport;
- (2) "appropriate aircraft" means an aircraft that conforms to the dimension, weight, use, category, type, or other limits the manager has established under 17 AAC 42.030 for the tiedown assigned to the permit, such as a float equipped aircraft for a water tiedown;
- (3) "as is" means the condition of the tiedown at the time the tiedown is offered to the permittee and the airport is not obligated to make any improvements or accomplish any maintenance actions with respect to the tiedown;
- (4) "available", when used to describe a tiedown of a particular category, means
 - (A) not the subject of a tiedown permit or permit renewal;
 - (B) not being temporarily or permanently converted by the airport manager to a different category space; and
 - (C) neither needed for nor being held by the manager to accommodate airport expansion, development, operation, or other state purpose;
- (5) "commercial purpose" means the use of a tiedown space to park an aircraft that is flown for hire or other business purpose;
- (6) "float season" means the dates established by the airport manager during which open water allows seaplane operations;
- (7) "ice tiedown permit" means a permit that the airport manager issues allowing the permittee to use a specified ice tiedown;

(8) "ice tiedown" means a tiedown on the surface of Lake Hood or Lake Spenard during a time when the lakes are sufficiently frozen to safely support aircraft and that the airport manager designates for parking appropriately equipped light aircraft;

(9) "land tiedown permit" means a permit the airport manager issues allowing the permittee to use a specified land tiedown;

(10) "land tiedown" means a tiedown on dirt, grass, pavement, or gravel that the airport manager identifies by a number and designates primarily for parking appropriately equipped light aircraft;

(11) "light aircraft" means aircraft with a takeoff weight that does not exceed 12,500 lbs;

(12) "owner" means an individual who is listed on the Federal Aviation Administration registration as the aircraft owner or co-owner.

(13) "own risk" means the permittee accepts all liability for the use of the tiedown;

(14) "pilot certificate" means a certificate issued by the Federal Aviation Administration for piloting fixed-wing aircraft; does not include student pilot;

(15) "renewed permit" means a permit issued to a permittee after expiration of a permit and that allows the permittee to continue to hold a tiedown without interruption;

(16) "ski season" means the dates established by the airport manager during which lake ice allows ski-plane operations;

(17) "suitable tiedown" means a tiedown that is accessible to and of sufficient dimensions to accommodate the parking of a light aircraft without interference with or obstruction of public roads, taxiways, and other tiedowns or premises;

(18) "tiedown" means a location on the airport that

(A) is accessible to and of sufficient dimensions to accommodate light aircraft;

(B) the airport manager has described by markings on the ground, rough dimensions, or reference points and designated for parking appropriately equipped light aircraft;

(C) may provide for the parking of more than one aircraft, if the permitted area allows;

(D) is identified by a unique number; and

(E) may be the subject of a permit;

(19) "water tiedown permit" means a permit the airport manager issues allowing the permittee to use a specified water tiedown, including any land area approved by the airport manager for parking a second aircraft within the permitted area;

(20) "water tiedown" means a tiedown that borders the shores of Lake Hood or Lake Spenard and that the airport manager identifies by a number and designates primarily for parking appropriately equipped light aircraft. (Eff. 1/14/2001, Register 157; am ___/___/___, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090