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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Richard Sewell, Department of Transportation
FROM: April Simpson, Office of the Lieutenant Governor 465.4081 
DATE: December 20, 2021
RE: Filed Permanent Regulations: Department of Transportation

Department of Transportation and Public Facilities regulations re: rural airport rents and fee rates (17 AAC 45.127)

Attorney General File:	2021200444
Regulation Filed:	12/20/2021
Effective Date:	1/19/2022
Print:	241, April 2022

cc with enclosures: Joseph Felkl, Department of Law
Judy Herndon, LexisNexis

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

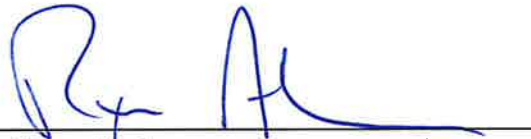
The attached four (4) pages of regulations, dealing with delaying rental rate and fee increases until December 31, 2022 at all rural airports owned by the Department of Transportation and Public Facilities, are adopted and certified to be a correct copy of the regulation changes that the Alaska Department of Transportation and Public Facilities adopts under the authority of AS 02.15.020, AS 02.15.060, AS 02.15.070, AS 02.15.090, and AS 44.42.020 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 Division of Statewide Aviation 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.

Date: December 2, 2021



Ryan Anderson, P.E., Commissioner

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 20, 2021, at 1:57 pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



for Kevin Meyer, Lieutenant Governor

Effective: January 19, 2022

Register: 241, April 2022.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

The introductory language of 17 AAC 45.127(a)(3) is amended to read:

(3) beginning January 1, 2020 and ending **December 31, 2022** [DECEMBER 31, 2021], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(a)(4) is amended to read:

(4) beginning **January 1, 2023** [JANUARY 1, 2022] and ending **December 31, 2023** [DECEMBER 31, 2022], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(a)(5) is amended to read:

(5) beginning **January 1, 2024** [JANUARY 1, 2023], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(b)(3) is amended to read:

(3) beginning January 1, 2020 and ending **December 31, 2022** [DECEMBER 31, 2021], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(b)(4) is amended to read:

(4) beginning **January 1, 2023** [JANUARY 1, 2022] and ending **December 31, 2023** [DECEMBER 31, 2022], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(b)(5) is amended to read:

(5) beginning **January 1, 2024** [JANUARY 1, 2023], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(c)(2) is amended to read:

(2) beginning January 1, 2019 and ending **December 31, 2022** [DECEMBER 31, 2021], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(c)(3) is amended to read:

(3) beginning **January 1, 2023** [JANUARY 1, 2022] and ending **December 31, 2023** [DECEMBER 31, 2022], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(c)(4) is amended to read:

(4) beginning **January 1, 2024** [JANUARY 1, 2023] and ending **December 31, 2024** [DECEMBER 31, 2023], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(c)(5) is amended to read:

(5) beginning **January 1, 2025** [JANUARY 1, 2024], the annual rental rates are as follows:

...

The introductory language of 17 AAC 45.127(l)(3) is amended to read:

(3) beginning January 1, 2020 and ending **December 31, 2022** [DECEMBER 31, 2021], the annual boundary crossing fees for all airports, except the Tok Junction Airport, are as follows:

...

The introductory language of 17 AAC 45.127(l)(4) is amended to read:

(4) beginning **January 1, 2023** [JANUARY 1, 2022] and ending **December 31, 2023** [DECEMBER 31, 2022], the annual boundary crossing fees for all airports, except the Tok Junction Airport, are as follows:

...

The introductory language of 17 AAC 45.127(l)(5) is amended to read:

(5) beginning **January 1, 2024** [JANUARY 1, 2023], the annual boundary crossing fees for all airports, except the Tok Junction Airport, are as follows:

...

17 AAC 45.127(l)(6) is amended to read:

(6) For the Tok Junction Airport, the annual boundary crossing fees are as follows:

<u>Effective Period</u>	<u>Personal Use Permit Fee</u>	<u>Commercial Use Permit Fee</u>
Beginning July 1, 2017 and ending December 31, 2018	\$498	\$ 990

Beginning January 1, 2019 and ending December 31, 2019	548	1,089
Beginning January 1, 2020 and ending <u>December 31, 2022</u> [DECEMBER 31, 2021]	603	1,198
Beginning <u>January 1, 2023</u> [JANUARY 1, 2022] and ending <u>December 31, 2023</u> [DECEMBER 31, 2022]	663	1,318
Beginning <u>January 1, 2024</u> [JANUARY 1, 2023]	675	1,450

(Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 3/22/2008, Register 185; em am 6/16/2008 - 10/13/2008, Register 187; am 4/23/2009, Register 190; am 4/4/2013, Register 206; am 3/20/2016, Register 217; am 7/1/2017, Register 222; am 5 /14 /2021, Register 238; am 1 / 19 / 2022, Register 241)

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

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 13, 2021

File No.: 2021200444

Tel. No.: 465-3600

From: Rebecca C. Polizzotto
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section



Re: Department of Transportation and
Public Facilities regulations re: rural
airport rents and fee rates (17 AAC
45.127)

The Department of Law has reviewed the attached regulations of the Department of Transportation and Public Facilities against the statutory standards of the Administrative Procedure Act. Based upon our review, 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 regulations were adopted by the Department of Transportation and Public Facilities after the close of the public comment period.

To provide an additional reduction in financial hardship resulting from the COVID-19 pandemic, the regulations extend a delay, by an additional one year, in the rents and permit fees at rural airports. Accordingly, 2020 rates are frozen until December 31, 2022; the rates previously set for 2022 now begin January 1, 2023 and end December 31, 2023; and increases for 2023 are postponed until January 1, 2024.

At Deadhorse airport, the current fees, until December 31, **2022**, are frozen at 2019 rates; the rates previously set for 2022 now begin January 1, 2023 and end December 31, 2023; the rates previously set for 2023 now begin January 1, 2024 and end December 31, 2024; and increases for 2024 are postponed until January 1, 2025. See 17 AAC 45.127(c)(2) - (5).

To have these rates in place expeditiously, the agency requests that the regulations be filed as soon as possible.

Honorable Kevin Meyer, Lieutenant Governor
File No. 2021200444

December 13, 2021
Page 2 of 2

The October 17, 2021 public notice and the December 2, 2021 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.

RCP:scw

Cc w/ enclosure: Richard Sewell, Regulations Contact
 Division of Statewide Aviation
 Department of Transportation & Public Facilities

 Jordan E. O'Connell, Assistant Attorney General
 Transportation Section
 Department of Law

**NOTICE OF PROPOSED CHANGES ON RURAL AIRPORT RENTAL AND FEE
CHANGES IN THE REGULATIONS OF DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**

BRIEF DESCRIPTION

The Department of Transportation and Public Facilities proposes to change regulations on abatement of rural airport lease, rent, and fees to delay related annual fee increases.

The Department of Transportation and Public Facilities proposes to adopt amended regulation changes in Title 17, Chapter 45 Rural Airports, Rents and Fees of the of the Alaska Administrative Code, dealing with abatement of rural airport lease, rent, and fee increases, including the following:

17 AAC 45.127 is proposed to be changed to delay the annual increases of rural airport lease, rental, and fee increases as provided for in regulation.

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 Rich Sewell, Aviation Policy Planner, in the Division of Statewide Aviation, PO Box 196900, Anchorage Alaska 99519. Additionally, Statewide Aviation will accept comments by facsimile at 907-269-0489 and by electronic mail at StatewideAviation@alaska.gov. The comments must be received no later than 5:00 p.m. AKST on November 17, 2021.

You may submit written questions relevant to the proposed action to Rich Sewell by email to rich.sewell@alaska.gov or by mail at PO Box 196900, Anchorage, Alaska 99519. The questions must be received at least 10 days before the end of the public comment period. Statewide Aviation will aggregate its response to substantially similar questions and make the questions and responses available on the 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 Rich Sewell rich.sewell@alaska.gov 907-269-0725 not later than 5:00 p.m. AKST on November 5, 2021, 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 and by contacting Rich Sewell at rich.sewell@alaska.gov and 907-269-0725.

A copy of the proposed regulations for adoption is available on the Alaska Online Public Notice System or at:

<https://dot.alaska.gov/stwdav/documents/Draft-Amendment-to-17AAC45-127-for-CY2022.pdf>

After the public comment period ends, the Department of Transportation and Public Facilities 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. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 02.15.020; AS 02.15.060; AS 02.15.070; AS 02.15.090; AS 44.42.020

Statutes being implemented, interpreted, and made specific: AS 02.15.060; AS 02.15.070; AS 02.15.090

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

The Division of Statewide Aviation keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Statewide Aviation's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Statewide Aviation at StatewideAviation@alaska.gov giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.



John R. Binder, III Deputy Commissioner

Date: October 15, 2021

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Transportation and Public Facilities
2. General subject of regulation: Rural Airport Rent and Fee Rates
3. Citation of regulation (may be grouped): 17 AAC 45.127
4. Department of Law file number, if any: 2021200444

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
- () Other (identify): _____

6. Appropriation/Allocation: Highways & Aviation, DOT&PF

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

A private person: N/A

Another state agency: N/A

A municipality: N/A

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

	Initial Year FY <u>21</u>	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: Richard Sewell
Title: Aviation Policy Planner
Address: 4111 Aviation Ave, Anchorage AK 99512
Telephone: 907-269-0725
E-mail address: rich.sewell@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change⁷
☐ Other (identify):

11. Date: October 14, 2021

Prepared by:



Name (printed): Richard Sewell

Title (printed): Aviation Policy Planner

Telephone: 907-269-0725

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Richard E. Sewell, Transportation Planner 1, 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 17 AAC 45.127 to delay the annual increases of rural airport lease, rental, and fee increases as provided for in regulation, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (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).

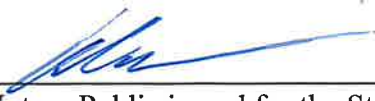
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: October 20, 2021


Richard E. Sewell, Transportation Planner 1

Subscribed and sworn to before me at Anchorage, Alaska on October 20, 2021.




Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

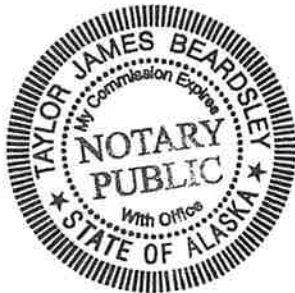
I, Richard E. Sewell, Transportation Planner I for the Department of Transportation and Public Facilities, being duly sworn, state the following:

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' proposed regulation on delaying implementation of lease and fee increases, which are already scheduled in regulation, at Department of Transportation and Public Facilities' owned rural airports through December 31, 2022.

Date: December 2, 2021


Richard E. Sewell, Transportation Planner I

Subscribed and sworn to before me at Anchorage, Alaska on December 2, 2021.




Notary Public in and for the State of Alaska

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 104763 Division of Statewide Aviation, Alaska DOT&PF
PO Box 196900, Anchorage, AK 99519

Order #: W0025701

Cost: \$393.46

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Adam Garrigus being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily 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

10/17/2021

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 18th day of October 2021.

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

MY COMMISSION EXPIRES

7/14/2024

NOTICE OF PROPOSED CHANGES ON RURAL AIRPORT RENTAL AND FEE CHANGES IN THE REGULATIONS OF DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

The Department of Transportation and Public Facilities proposes to adopt amended regulation changes in Title 17, Chapter 45 Rural Airports, Rents and Fees of the of the Alaska Administrative Code (17 AAC 45.127), dealing with abatement of rural airport lease, rent, and fee increases, including the following:

to delay the annual increases of rural airport lease, rental, and fee increases as provided for in regulation.

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 Rich Sewell, Aviation Policy Planner, in the Division of Statewide Aviation, PO Box 196900, Anchorage Alaska 99519. Additionally, Statewide Aviation will accept comments by facsimile at 907-269-0489 and by electronic mail at StatewideAviation@alaska.gov. The comments must be received no later than 5:00 p.m. AKST on November 17, 2021.

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A copy of the proposed regulations for adoption is available on the Alaska Online Public Notice System or at:
<https://dot.alaska.gov/stwdav/documents/Draft-Amendment-to-17AAC45-127-for-CY2022.pdf>

After the public comment period ends, the Department of Transportation and Public Facilities 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. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 02.15.020; AS 02.15.060; AS 02.15.070; AS 02.15.090; AS 44.42.020
Statutes being implemented, interpreted, and made specific: AS 02.15.060; AS 02.15.070; AS 02.15.090

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

The Division of Statewide Aviation keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Statewide Aviation's notices of proposed regulation changes. To be added to or removed from the list, send a request to the Division of Statewide Aviation at StatewideAviation@alaska.gov giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

/S/ John R. Binder, III
Deputy Commissioner
Date: October 15, 2021
Pub: October 17, 2021

