

Department of Transportation and
Public Facilities
Alaska International Airport System



17 AAC Chapter 42 – Ted Stevens Anchorage
International Airport and Fairbanks International Airport

Proposed Regulation Revisions

May 20, 2015

Bill Walker
Governor

Marc Luiken
Commissioner

Public Comment period ends
July 10, 2015, 5:00 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:

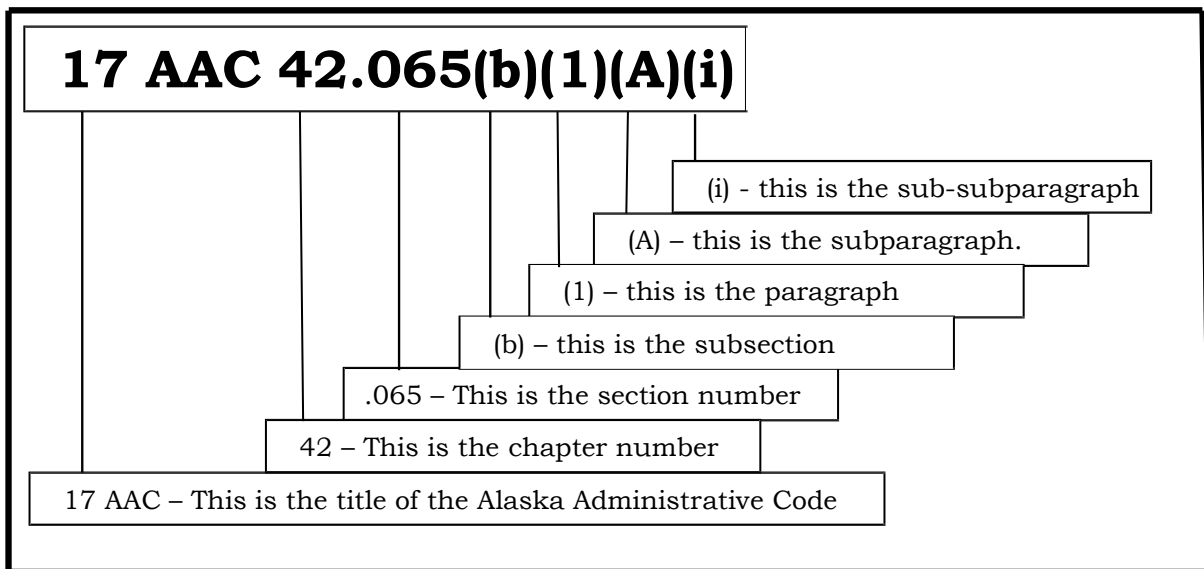


Figure - Alaska Regulatory Numbering System

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 42 regulations can be found online at:

<http://www.legis.state.ak.us/basis/aac.asp>

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 42.010(d) is amended to read:

(d) The Airport Sponsors Grant Assurances published **on February 3, 1988, at 53 FR 3104** [AS APPENDIX D TO 14 C.F.R. 152] as amended through **April 3, 2014** [NOVEMBER 1, 1999] is adopted by reference in this chapter.

(Eff. 1/14/2001, Register 157; am 3/28/2002, Register 161; am ____/____/____, Register ____)

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

17 AAC 42.020(n) is amended to read:

(n) [EXCEPT ON A PREMISES THE PERSON HOLDS UNDER A LEASE, PERMIT, OR CONCESSION, A] **A** person may not, without approval of 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. 1/14/2001, Register 157; am ____/____/____, Register ____)

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

17 AAC 42.035(b) is repealed and readopted to read:

(b) A pilot who parks an aircraft in a transient aircraft parking area shall comply with all requirements posted by the airport manager in that area under 17 AAC 42.030(b) and as set forth in airport operational orders.

(Eff. 1/14/2001, Register 157; am ____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.090	AS 02.15.220
	AS 02.15.060		

(The existing text for 17 AAC 42.035(b) is presented below for the reader to compare to the proposed text)

[A PILOT WHO PARKS AN AIRCRAFT IN A TRANSIENT AIRCRAFT PARKING AREA SHALL COMPLY WITH ALL REQUIREMENTS POSTED BY THE AIRPORT MANAGER IN THAT AREA UNDER 17 AAC 42.030(B) AND, IF POSTED IN THE AREA, A REQUIREMENT TO (1) REPORT TO THE OFFICE OF THE AIRPORT MANAGER WITHIN ONE HOUR AFTER LANDING OR AS SOON AS POSSIBLE THEREAFTER TO OBTAIN PERMISSION TO PARK AND TO PAY ANY FEE ESTABLISHED UNDER 17 AAC 42.125; (2) SIGN A PERMIT FOR PARKING AN AIRCRAFT ON THE AIRPORT; (3) COMPLETE A TRANSIENT AIRCRAFT PARKING FORM AND DEPOSIT THE FORM AND THE REQUIRED FEE IN A DROP BOX FURNISHED BY THE MANAGER; OR (4) REPORT PARKING USE AND PAY THE REQUIRED FEE BY MAIL OR BY DELIVERY ACCORDING TO INSTRUCTIONS THE MANAGER HAS PROVIDED]

17 AAC 42.040(c)(1) is amended to read:

- (1) the applicable application fee established under 17 AAC 42.125, **if any**;

17 AAC 42.040(e)(3) is amended to read:

- (3) the proposed use will interfere with **or is otherwise incompatible with** the safety, **security**, maintenance, or operation of the airport;

17 AAC 42.040(e)(4) is repealed and readopted to read:

- (4) the proposed use is not allowed under or would result in a violation of
 - (A) applicable law;
 - (B) an applicable FAA grant assurance adopted by reference under 17 AAC 42.010(d);
 - (C) the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550;
 - (D) an exclusive right the department has granted to another person; or
 - (E) a covenant running with the airport land; or

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 42.040(e)(5) is repealed:

(5) repealed___/___/___; [THE PROPOSED USE WOULD RESULT IN A
VIOLATION OF APPLICABLE LAW]

(Eff. 1/14/2001, Register 157; am ___/___/___, Register ____)

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

The introductory language to 17 AAC 42.060(a) is amended to read:

(a) If the airport manager determines that it is necessary to ensure the security of persons or property on the airport or to comply with federal or state law, the manager may post areas on the airport as restricted. A person **is prohibited from entering or remaining** [MAY NOT ENTER OR REMAIN] in an area on an airport that is posted as restricted unless

• • •

17 AAC 42.060(a)(2) is amended to read:

(2) the person is an authorized FAA safety **or TSA security** inspector on official government business and carrying current identification as required under applicable FAA **or TSA** regulations; or

(Eff. 1/14/2001, Register 157; 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 42.070(b) is amended to read:

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

(b) A person who brings or possesses an explosive on an airport shall comply with the hazardous materials provisions of 49 C.F.R. Part 175, as amended through October 1, **2006** [1999]. (Eff. 1/14/2001, Register 157; 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 42.095(b) is amended by adding a new paragraph to read:

(4) evidence that applicable state and local permits or authorizations have been obtained.

17 AAC 42.095(c)(3) is repealed and readopted:

(3) the proposed activity is not allowed under or would result in a violation of

(A) applicable law;

(B) an applicable FAA grant assurance adopted by reference under 17 AAC

42.010(d);

(C) the state's obligations under revenue bonds issued under AS 37.15.410 -

37.15.550;

(D) an exclusive right the department has granted to another person; or

(E) a covenant running with the airport land; or

17 AAC 42.095(c)(4) is repealed:

(4) repealed ____/____/____; [THE PROPOSED ACTIVITY WOULD RESULT IN A

VIOLATION OF APPLICABLE LAW]

17 AAC 42.095(g) is amended to read:

(g) A commercial passenger vehicle permittee shall provide [SUCH] evidence of insurance coverage **that fully satisfies any insurance requirement established by the airport manager for the permit under the applicable provisions of 17 AAC 42.410(b)(15)** for the permittee's operations on the airport [AS THE AIRPORT MANAGER DETERMINES APPROPRIATE UNDER 17 AAC 42.410(b)(15), CONSIDERING THE NUMBER, TYPE, AND PASSENGER CAPACITY OF THE PERMITTEE'S VEHICLES AND THE NATURE OF THE PROPOSED ACTIVITY].

17 AAC 42.095(l) is repealed and readopted:

(l) Upon 10 days' written notice to the permittee, or a shorter period of written notice if allowed by the permit:

(1) the airport manager will cancel a commercial passenger vehicle permit and invalidate all vehicle identification issued to a permittee if the airport manager determines that the permittee

(A) is not in compliance with the permit and has not corrected the noncompliance within 10 days after receipt of the notice, or within a shorter period if allowed by the permit and stated in the notice; or

(B) has ceased commercial passenger vehicle operations on the airport; and

(2) the airport manager may, unless the permit provides otherwise, cancel a commercial passenger vehicle permit and invalidate all vehicle identification issued to a permittee for any reason not in violation of applicable law.

(The existing text for 17 AAC 42.095(l) is presented below for the reader to compare to the proposed text)

[THE AIRPORT MANAGER SHALL, AFTER WRITTEN NOTICE TO THE PERMITTEE, CANCEL A COMMERCIAL PASSENGER VEHICLE PERMIT AND INVALIDATE ALL VEHICLE IDENTIFICATION ISSUED TO THE PERMITTEE IF THE MANAGER DETERMINES THAT THE PERMITTEE (1) IS NOT IN COMPLIANCE WITH THE PERMIT AND HAS NOT CORRECTED THE NONCOMPLIANCE WITHIN 10 DAYS AFTER RECEIPT OF THE NOTICE; OR (2) HAS CEASED COMMERCIAL PASSENGER VEHICLE OPERATIONS ON THE AIRPORT.]

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

17 AAC 42.095 is amended by adding a new subsection to read:

(p) Neither a commercial passenger vehicle permittee nor an employee of a permittee shall offer transportation services by in-person solicitation on an airport or by driving slowly past a department-operated terminal building, but shall offer transportation services only in compliance with the terms of the permit. (Eff. 1/14/2001, Register 157; am ____/____/____, Register ____)

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

17 AAC 42.100(a) is amended to read:

(a) To operate a vehicle rental business on an airport, a person who does not have a concession to operate a vehicle rental business **on the airport** [IN A DEPARTMENT-OPERATED TERMINAL BUILDING] must hold a current vehicle rental business permit issued under this section.

17 AAC 42.100(c)(3) is repealed and readopted:

- (3) the proposed activity is not allowed under or would result in a violation of
 - (A) applicable law;
 - (B) an applicable FAA grant assurance adopted by reference under 17 AAC 42.010(d);
 - (C) the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550;
 - (D) an exclusive right the department has granted to another person;
 - (E) a covenant running with the airport land; or
 - (F) any existing airport obligations under leases and other contracts and agreements to which the airport is a party including, but not limited to, obligations relating to on-

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

airport rental car concession leases, contracts, or agreements, if any, and any rights obligations or commitments related thereto; or

17 AAC 42.100(c)(4) is repealed:

(4) repealed ____/____/____; [THE PROPOSED USE WOULD RESULT IN A VIOLATION OF APPLICABLE LAW]

17 AAC 42.100(g) is amended to read:

(g) A vehicle rental business permittee shall provide [SUCH] evidence of insurance coverage **that fully satisfies any insurance requirement established by the airport manager for the permit under the applicable provisions of 17 AAC 42.410(b)(15)** for the permittee's operations on the airport [AS THE AIRPORT MANAGER DETERMINES APPROPRIATE UNDER 17 AAC 42.410(b)(15), CONSIDERING THE NUMBER AND TYPE OF VEHICLES COVERED BY THE PERMIT AND THE SERVICES THE PERMITTEE PROPOSES TO PROVIDE].

17 AAC 42.100(h) is repealed:

(h) Repealed ____/____/____. [A VEHICLE RENTAL BUSINESS PERMITTEE MAY NOT USE OR OPERATE A VEHICLE ON THE AIRPORT IN CONJUNCTION WITH A VEHICLE RENTAL BUSINESS UNLESS THE VEHICLE IS LISTED ON THE PERMIT AND DISPLAYS THE IDENTIFICATION DESCRIBED IN THIS SUBSECTION. FOR EACH CALENDAR YEAR AND EACH VEHICLE LISTED ON THE PERMIT, A PERMITTEE SHALL, UPON PAYMENT OF ANY APPLICABLE FEE ESTABLISHED UNDER 17 AAC 42.125, OBTAIN FROM THE AIRPORT MANAGER A STICKER OR OTHER FORM OF IDENTIFICATION DESIGNATED BY THE MANAGER. THE MANAGER SHALL MAIL OR DELIVER IDENTIFICATION FOR A VEHICLE ONLY TO A PERSON WHO HAS A PERMIT AT THE AIRPORT, HAS PAID ANY APPLICABLE FEE, AND HAS SUBMITTED THE VEHICLE INFORMATION REQUIRED UNDER (B)(1) OF THIS SECTION FOR THAT CALENDAR YEAR. A PERMITTEE SHALL MAINTAIN CONSPICUOUSLY AFFIXED TO EACH VEHICLE THE CURRENT YEAR'S IDENTIFICATION THAT THE MANAGER HAS ISSUED FOR THAT VEHICLE]

17 AAC 42.100(l) is repealed and readopted:

(l) Upon 10 days' written notice to the permittee, or a shorter period of written notice if allowed by the permit:

(1) the airport manager shall cancel a vehicle rental business permit and invalidate all vehicle identification issued to a permittee if the airport manager determines that the permittee

(A) is not in compliance with the permit and has not corrected the noncompliance within 10 days after receipt of the notice, or within a shorter period if allowed by the permit and stated in the notice; or

(B) has ceased commercial passenger vehicle operations on the airport; and

(2) the airport manager may, unless the permit provides otherwise, cancel a vehicle rental business permit and invalidate all vehicle identification issued to a permittee for any reason not in violation of applicable law.

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

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

(The existing text for 17 AAC 42.100(l) is presented below for the reader to compare to the proposed text)

[THE AIRPORT MANAGER SHALL, AFTER WRITTEN NOTICE TO THE PERMITTEE, CANCEL A VEHICLE RENTAL BUSINESS PERMIT AND INVALIDATE ALL VEHICLE IDENTIFICATION ISSUED TO THE PERMITTEE IF THE MANAGER DETERMINES THAT THE PERMITTEE (1) IS NOT IN COMPLIANCE WITH THE VEHICLE RENTAL BUSINESS PERMIT AND HAS NOT CORRECTED THE NONCOMPLIANCE WITHIN 10 DAYS AFTER RECEIPT OF THE NOTICE; OR (2) HAS CEASED VEHICLE RENTAL OPERATIONS ON THE AIRPORT.]

17 AAC 42.105(a) is repealed and readopted to read:

(a) Unless a lease, permit, or concession expressly authorizes the person to operate the business, a person must hold a current business activity permit issued under this section before selling, offering for

sale, or providing goods or services commercially anywhere on an airport regardless of duration of the activity.

(The existing text for 17 AAC 42.105(a) is presented below for the reader to compare to the proposed text)

[UNLESS A LEASE, PERMIT, OR CONCESSION EXPRESSLY AUTHORIZES THE PERSON TO OPERATE THE BUSINESS, A PERSON MUST HOLD A CURRENT BUSINESS ACTIVITY PERMIT ISSUED UNDER THIS SECTION BEFORE ENGAGING IN ANY OF THE FOLLOWING ON AN AIRPORT: (1) REPEALED 10/20/2002; (2) AN AIRCRAFT MAINTENANCE OR REPAIR BUSINESS; (3) A BUSINESS THAT PERFORMS AIRCRAFT GROUND HANDLING SERVICES; (4) A COMMERCIAL FUELING SERVICE; (5) A VALET PARKING SERVICE OR AIRPORT PARKING SERVICE; (6) TOUR RECEPTION IN A DEPARTMENT-OPERATED TERMINAL BUILDING; (7) CATERING FOR IN-FLIGHT MEALS; (8) A MOBILE FOOD SERVICE BUSINESS; (9) SELLING, OFFERING FOR SALE, OR PROVIDING GOODS OR SERVICES COMMERCIALY TO THE GENERAL PUBLIC IN A DEPARTMENT-OPERATED TERMINAL BUILDING OR AIRPORT PARKING AREA, INCLUDING USE OF TERMINAL SPACE FOR DISTRIBUTION OF PRE-ORDERED MERCHANDISE]

17 AAC 42.105(b) is amended to read:

(b) **To obtain authorization to conduct a business for which this section requires a business activity permit, a** [A] person must submit an application for a business activity permit in writing to the airport manager and must include

17 AAC 42.105(b)(2) is repealed:

(2) repealed___/___/___; [A LIST OF VEHICLES THAT THE APPLICANT PROPOSES TO OPERATE ON THE AIRPORT UNDER THE BUSINESS ACTIVITY; THE LIST MUST INCLUDE THE YEAR, MAKE, MODEL, LICENSE PLATE NUMBER AND ISSUING STATE, AND SERIAL NUMBER FOR EACH VEHICLE; AND]

17 AAC 42.105(c)(3) is repealed and readopted:

- (3) the proposed activity is not allowed under or would result in a violation of
 - (A) applicable law;

- (B) an applicable FAA grant assurance adopted by reference under 17 AAC 42.010(d);
- (C) the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550;
- (D) an exclusive right the department has granted to another person; or
- (E) a covenant running with the airport land; or

17 AAC 42.105(c)(4) is repealed:

(4) repealed___/___/___; [THE PROPOSED USE WOULD RESULT IN A VIOLATION OF APPLICABLE LAW; OR]

17 AAC 42.105(g) is amended to read:

(g) A business activity permittee shall provide [SUCH] evidence of insurance coverage **that fully satisfies any insurance requirement established by the manager for the permit under the applicable provisions of 17 AAC 42.410(b)(15)** for the permittee's operations on the airport [AS THE AIRPORT MANAGER DETERMINES APPROPRIATE UNDER 17 AAC 42.410(b)(15),] considering the nature and scope of the permittee's activities.

17 AAC 42.105(h) is repealed:

(h) Repealed___/___/___ . [A BUSINESS ACTIVITY PERMITTEE MAY NOT OPERATE A VEHICLE ON THE AIRPORT UNDER A BUSINESS ACTIVITY SUBJECT TO THIS SECTION UNLESS THE VEHICLE IS LISTED ON THE PERMIT AND DISPLAYS THE IDENTIFICATION DESCRIBED IN THIS SUBSECTION. FOR EACH CALENDAR YEAR AND EACH VEHICLE LISTED ON THE PERMIT, A PERMITTEE SHALL, UPON PAYMENT OF ANY APPLICABLE FEE ESTABLISHED UNDER 17 AAC 42.125, OBTAIN FROM THE AIRPORT MANAGER A STICKER OR OTHER FORM OF IDENTIFICATION DESIGNATED BY THE MANAGER. THE MANAGER SHALL MAIL OR DELIVER IDENTIFICATION FOR A VEHICLE ONLY TO A PERSON WHO HAS A PERMIT AT THE AIRPORT, HAS PAID ANY APPLICABLE FEE, AND HAS SUBMITTED THE INFORMATION REQUIRED UNDER (B)(2) OF THIS SECTION FOR THAT CALENDAR YEAR. A BUSINESS ACTIVITY PERMITTEE SHALL MAINTAIN AFFIXED TO EACH VEHICLE

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

THE CURRENT YEAR'S IDENTIFICATION THAT THE MANAGER HAS ISSUED FOR THAT VEHICLE.]

The introductory language of 17 AAC 42.105(*l*) is amended to read:

(*l*) The airport manager shall, after written notice to the business activity permittee, cancel a business activity permit [AND INVALIDATE ALL VEHICLE IDENTIFICATION ISSUED TO THE PERMITTEE] if the manager determines that the permittee

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(Eff. 1/14/2001, Register 157; am 10/20/2002, Register 164; am 11/1/2003, Register 168; am ____/____/____, Register ____)

Authority:	AS 02.15.010	AS 02.15.090	AS 37.15.500
	AS 02.15.020	AS 02.15.220	AS 37.15.540
	AS 02.15.060	AS 02.15.230	

The title of 17 AAC 42.115 is amended to read:

17 AAC 42.115. Unauthorized parking and impound [IMPOUND]

17 AAC 42.115(a) is repealed:

(a) Repealed ____/____/____. [THIS SECTION APPLIES ONLY TO AIRCRAFT AND VEHICLES ON AN AIRPORT]

The introductory language of 17 AAC 42.115(b) is amended to read:

(b) Except **as provided in (c) of this section** [IN THE CASE OF AN EMERGENCY OR THREAT TO PUBLIC SAFETY], the following impound procedure applies to an aircraft or vehicle parked [OR OTHERWISE LEFT UNATTENDED ON AN AIRPORT] in violation of this chapter, **an**

aircraft or vehicle that is derelict as described in (h) of this section, and personal property abandoned on an airport:

17 AAC 42.115 (b)(1) is amended to read:

(1) the airport manager shall attempt to identify and locate the owner of the **vehicle, aircraft, or personal** property, and to have the owner **of the vehicle, aircraft, or personal property** remove it;

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17 AAC 42.115(c) is amended to read:

(c) If the airport manager determines that an emergency or threat to public safety exists and would be materially reduced by impound of property on the airport, the manager shall immediately impound the property and attempt to identify and notify the owner after the property has been impounded. **In addition, where a sign, signal, or other traffic control device indicates that parking is prohibited and subject to towing and impound, the airport manager may immediately impound a vehicle left unattended and attempt to identify and notify the owner after the property has been impounded.**

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17 AAC 42.115(g) is amended to read:

(g) Property not redeemed within 90 days after impoundment is considered permanently abandoned. Unless applicable law provides otherwise, the manager may sell, dispose of, destroy, donate, or retain for the department any property that is permanently abandoned, **and retain any proceeds from the sale of such property.** The manager shall deposit any proceeds from the disposition of abandoned property under this subsection into the revenue fund established under AS 37.15.430. **The airport manager may seek reimbursement for any costs that the airport manager or department incurs in connection with an impoundment, including towing, legal, and administrative costs, from a person**

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

who owns property as of the date that the property is considered permanently abandoned on an airport under this section.

17 AAC 42.115 is amended by adding a new subsection to read:

(h) For purposes of this section, an aircraft or vehicle is derelict if its presence and location at the airport is not expressly authorized by the airport manager and it is, or reasonably gives the appearance of being, forsaken, abandoned, deserted, or cast away; an aircraft is presumed to be derelict if the aircraft has been non-airworthy on an airport for a period of 30 consecutive days or more and a vehicle is presumed to be derelict if the vehicle has been inoperable on an airport for the same minimum period. (Eff. 1/14/2001, Register 157; 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 42.120(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** [OCTOBER 1, 1999];

17 AAC 42.120(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** [OCTOBER 1, 1999].

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.230
AS 02.15.050 AS 02.15.220

17 AAC 42.130(a)(5)(C) is amended to read:

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

(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 42.130(a) is amended by adding a new paragraph to read:

(6) aviation museums. (Eff. 1/14/2001; Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.215(f) is amended to read:

(f) For an **aeronautical** [AVIATION] use application that qualifies for consideration without competition under 17 AAC 42.205(b), the manager may not rely on either the existence of a competing application or the potential for gaining increased revenue for the department, whether alone or combined, as the sole reason for denying an existing land lessee's application for a new land lease or lease term extension under AS 02.15.090 (c).

17 AAC 42.215(h)(1) is amended to read:

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

17 AAC 42.215(h)(2) is repealed:

(2) repealed __/__/__; [FOR AN AUXILIARY USE]

17 AAC 42.215(h)(3) is amended to read:

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

(Eff. 1/14/2001; Register 157; am __/__/__, Register __)

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

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 42.220(b) is amended to read:

(b) Before the airport manager 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 manager has determined in writing will be needed for an **aeronautical** [AVIATION] use or for airport development in the future, the manager shall first estimate when the premises will likely be needed for **aeronautical** [AVIATION] use or airport development. 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 manager estimates the premises will become needed for an **aeronautical** [AVIATION] use or for airport development. (Eff. 1/14/2001; Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.210
AS 02.15.060

The introductory language of 17 AAC 42.225(h) is amended to read:

(h) If the premises is located in a general aviation use area, the airport manager shall use the following table, subject to 17 AAC 42.220, to determine the **maximum potential** lease term or lease term extension the manager **may** [SHALL] grant under (c)(1) or (2) of this section:

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The introductory language of 17 AAC 42.225(i) is amended to read:

(i) If the premises is not located in a general aviation use area, the airport manager shall use the following table, subject to 17 AAC 42.220, to determine the **maximum potential** lease term or lease term extension the manager **may** [SHALL] grant under (c)(1) or (2) of this section:

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Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

(Eff. 1/14/2001, Register 157; am 2/10/2001, Register 157; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.210
AS 02.15.060

17 AAC 42.240(c) is amended to read:

(c) The lessee, permittee, or concessionaire shall, within **90** [30] days after completion of construction or remediation, submit to the airport manager written documentation that the construction or remediation has been completed as required.

(Eff. 1/14/2001; Register 157; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.260 is amended by adding a new subsection to read:

(g) If there is a conflict between the lease, sublease, airport boundary crossing permit, or concession and the assignment or its underlying documents, the lease, sublease, airport boundary crossing permit, or concession governs. A provision stating this priority must be included in each assignment, but is implied in all assignments whether stated or not. (Eff. 1/14/2001; Register 157; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.265(f) is amended to read:

(f) In the event of a conflict between a lease, permit, or concession and an assignment 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.**

(Eff. 1/14/2001; Register 157; am ____/____/____, Register ____)

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.275(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 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 42.295(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 or proposal when the lease, permit, or concession was awarded. (Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.297(g) is amended to read:

(g) If for any reason the airport manager concludes that the adjusted rent does not conform to a provision of 17 AAC 42.295, the manager shall readjust the rent as necessary to bring it into conformity with the requirements of that section and refund to the protester the amount of any overpayment. However, if the lease, permit, or concession is for **a non-aeronautical** [AN AUXILIARY OR NONAVIATION] use and the original rent was established by competitive award, the rent may not be reduced below the rate established when the lease, permit, or concession was originally awarded. (Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.200

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

AS 02.15.060

AS 02.15.090

17 AAC 42.300(e) is amended to read:

(e) If the airport manager awards a lease or permit for land for an **aeronautical** [AVIATION] use on the basis of the highest rent to be paid by the lessee or permittee, the manager shall charge and the lessee or permittee shall pay the bid rent only during the first five years of the lease or permit term. Beginning with the sixth year of the term, the manager shall charge and the lessee or permittee shall pay the rate then applicable under 17 AAC 42.125 to similar property with an **aeronautical** [AVIATION] use at the airport, subject to adjustment under 17 AAC 42.295 thereafter.

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.210
AS 02.15.060

17 AAC 42.366(a) is amended to read:

(a) The airport manager shall appoint a proposal evaluation committee **with a minimum of three members. The airport manager shall appoint one committee member to chair the committee.** **The committee shall evaluate** [TO REVIEW] proposals received in response to a request for proposals. The evaluation must be based on only the evaluation factors set out in the request for proposals. Evaluation factors not specified in the request for proposals may not be considered.

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.090
AS 02.15.060

17 AAC 42.369(a) is amended to read:

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

(a) Unless the request for proposals states that alternate proposals are acceptable, the [EVALUATION] committee **chairperson** appointed under 17 AAC 42.366 shall consider a proposal as not responsive if the proposer submits more than one proposal under the same or different names.

The introductory language to 17 AAC 42.369(b) is amended to read:

(b) The evaluation committee need not evaluate a proposal that the committee **chairperson** finds to be nonresponsive because the proposal

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17 AAC 42.369(b)(1) is amended to read:

(1) is submitted late or to the wrong place, unless the committee **chairperson** determines that the delay or incorrect place of proposal submission was due to an error of the department;

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.090
AS 02.15.060

17 AAC 42.400(a)(1) is amended to read:

(1) publishing [THE NOTICE IN AT LEAST THREE ISSUES OF A NEWSPAPER OF GENERAL CIRCULATION IN THE VICINITY OF THE AFFECTED AIRPORT AND] once in the Alaska Online Public Notice System;

17 AAC 42.400(a)(3) is repealed:

(3) repealed __/__/__. [NOTIFYING THE MUNICIPALITY OF ANCHORAGE ABOUT A PROPOSED ACTION AT TED STEVENS ANCHORAGE INTERNATIONAL AIRPORT AND THE CITY OF FAIRBANKS AND THE FAIRBANKS NORTH STAR BOROUGH ABOUT A PROPOSED ACTION AT FAIRBANKS INTERNATIONAL AIRPORT]

(Eff. 1/14/2001, Register 157; am __/__/__, Register __)

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.200
AS 02.15.060

17 AAC 42.410(b)(15) is amended to read:

(15) require the lessee, at the lessee's own expense, to obtain, maintain, and keep in force throughout the term of the lease, adequate and appropriate liability insurance coverage protecting both the lessor and lessee on an occurrence policy form covering all operations by or on behalf of the lessee with combined single limits not less than \$1,000,000 each occurrence or such higher limits as the lessor reasonably finds necessary to provide adequate and appropriate coverage for the risks posed by the lessee's use of the premises and activities at the airport; the lessee shall deposit with the lessor a copy or copies of such insurance policy or policies or a certificate of such insurance coverage, together with appropriate evidence that the premiums have been paid; all such lessee's insurance shall name the lessor as an additional **insured** [ASSURED] or contain a waiver of subrogation endorsement in favor of the lessor and shall provide that the insurer must notify the lessor at least 30 days before any termination, cancellation, or material change in such insurance coverage; the requirement for insurance coverage does not relieve the lessee of the lessee's other obligations under the agreement; if specific limits and coverages are shown, those limits and coverages are the minimum acceptable under this section and may not limit the lessee's responsibility to indemnify the lessor;

(Eff. 1/14/2001, Register 157; 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 42.520(b) is amended to read:

(b) The initial term of a float or wheel permit **is five years** [EXPIRES ON MARCH 31 FOLLOWING THE FOURTH ANNIVERSARY OF ISSUANCE]. The term for each subsequent **five-**

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

year permit that the manager issues to the same permittee for the same space or for another space to which the permittee is reassigned begins at the expiration of the preceding permit [AND EXPIRES ON MARCH 31 FIVE YEARS LATER]. An ice permit is issued for a single season according to dates set annually by the airport manager [BEGINNING NOVEMBER 1 OF ONE YEAR AND EXPIRING ON MARCH 31 OF THE NEXT YEAR].

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17 AAC 42.520(e) is repealed and readopted to read:

(e) A permittee may use a tiedown space to park an airworthy aircraft listed on the permit, subject to the applicable requirements and limitations set forth in 17 AAC 42.525 and airport operational orders.

(Eff. 1/14/2001, Register 157; am 12/8/2013, Register 208; am __/__/__, Register __)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

(The existing text for 17 AAC 42.520(e) is presented below for the reader to compare to the proposed text)

[SUBJECT TO THE APPLICABLE REQUIREMENTS AND LIMITATIONS ESTABLISHED UNDER 17 AAC 42.525, A PERMITTEE MAY USE A TIEDOWN SPACE ONLY TO (1) PARK AN AIRWORTHY AIRCRAFT THAT IS LISTED ON THE PERMIT ISSUED FOR THE SPACE; (2) PERFORM ALL MAINTENANCE AND REPAIR ON AN AIRCRAFT THAT IS LISTED ON THE PERMIT SO LONG AS THE PERMITTEE IS AUTHORIZED TO PERFORM THE WORK UNDER 14 C.F.R. PART 43, AS AMENDED THROUGH JANUARY 1, 2000; (3) AUTHORIZE OTHERS TO PERFORM MAINTENANCE AND REPAIR ON AN AIRCRAFT LISTED ON THE PERMIT, SUBJECT TO THE REQUIREMENTS OF 17 AAC 42.105; (4) SUBJECT TO (F) OF THIS SECTION, PARK A VEHICLE WHILE THE PERMITTEE OR A CO-OWNER PILOT IS PRESENT AT THE SPACE OR USING AN AIRCRAFT LISTED ON THE PERMIT; AND (5) SUBJECT TO (F) OF THIS SECTION, PARK AN OPERATIONAL VEHICLE USED FOR AIRCRAFT SUPPORT, SUCH AS A FLOAT TRAILER OR BOOM TRUCK, BUT ONLY IF THE PERMITTEE FIRST REGISTERS THE VEHICLE WITH THE AIRPORT MANAGER AND RECEIVES THE MANAGER'S APPROVAL]

17 AAC 42.595 is repealed:

17 AAC 42.595. Transitional compliance requirements. Repealed.

(Eff. 1/14/2001, Register 157; Repealed __/__/__; Register __)

[(A) A PERMIT FOR A TIEDOWN SPACE ON THE AIRPORT ISSUED BEFORE AND VALID ON DECEMBER 31, 2000 IS EFFECTIVE UNTIL JULY 13, 2001 AND EXPIRES ON THAT DATE UNLESS FIRST TERMINATED FOR NONCOMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER. A PRIOR PERMITTEE MUST APPLY UNDER 17 AAC 42.510 FOR A SUBSEQUENT PERMIT UNDER 17 AAC 42.530 NO LATER THAN THE EARLIER OF SIXTY DAYS AFTER THE AIRPORT MANAGER MAILS OR DELIVERS TO THE PRIOR PERMITTEE AN APPLICATION FOR A PERMIT UNDER 17 AAC 42.510 AS PROVIDED UNDER (C) OF THIS SECTION OR JUNE 13, 2001 IN ORDER TO RETAIN THE PERMITTEE'S SPACE. (B) ANY SWITCH LIST OR WAIT LIST ESTABLISHED FOR A CATEGORY OF TIEDOWN SPACE BEFORE JANUARY 14, 2001 IS CANCELED EFFECTIVE JULY 13, 2001. A PRIOR PERMITTEE WHO IS ON A SWITCH LIST ON JANUARY 14, 2001 AND WHO DESIRES TO BE PLACED ON A NEW SWITCH LIST UNDER 17 AAC 42.540 MUST APPLY FOR PLACEMENT ON THAT LIST NO LATER THAN JULY 13, 2001 IN ORDER TO RETAIN THE PERMITTEE'S PRIORITY ON THE NEW SWITCH LIST. IF THE INDIVIDUAL QUALIFIES FOR PLACEMENT ON A WAIT LIST UNDER 17 AAC 42.550, AN INDIVIDUAL ON A PRIOR WAIT LIST MUST SUBMIT THE INFORMATION REQUIRED UNDER 17 AAC 42.550 AND SIGN A NEW WAIT LIST NO LATER THAN JULY 13, 2001 IN ORDER TO TRANSFER THE INDIVIDUAL'S PRIORITY FROM THE PRIOR WAIT LIST TO THE NEW WAIT LIST. (C) NO LATER THAN APRIL 14, 2001, THE AIRPORT MANAGER SHALL MAIL OR DELIVER THE FOLLOWING TO EACH PRIOR PERMITTEE AND INDIVIDUAL ON A PRIOR WAIT LIST, AS APPLICABLE: (1) FOR A PRIOR PERMITTEE, AN APPLICATION FOR A PERMIT UNDER 17 AAC 42.510; AND (2) FOR AN INDIVIDUAL ON A PRIOR WAIT LIST, A NOTICE THAT THE PRIOR WAIT LIST WILL BE CANCELED AND SUPERSEDED AS OF JULY 13, 2001 AND THAT THE INDIVIDUAL MUST PROVIDE THE REQUIRED INFORMATION AND SIGN A NEW WAIT LIST UNDER 17 AAC 42.550. (D) IF A PRIOR PERMITTEE WHO IS ON A SWITCH LIST AS OF JANUARY 14, 2001 IS IN GOOD STANDING AND TIMELY SUBMITS AN APPLICATION FOR A SUBSEQUENT PERMIT UNDER (A) OF THIS SECTION, THE PERMITTEE SHALL BE PLACED ON A NEW SWITCH LIST ESTABLISHED UNDER 17 AAC 42.540 FOR THE SAME CATEGORY OF SPACE. THE PERMITTEE'S PLACEMENT ON THE NEW SWITCH LIST SHALL BE IN THE SAME ORDER OF PRIORITY THAT APPLIED TO THE PERMITTEE WITH RESPECT TO OTHER PRIOR PERMITTEES ON THE SUPERSEDED LIST. (E) IF AN INDIVIDUAL ON A PRIOR WAIT LIST IS QUALIFIED AND IN GOOD STANDING, TIMELY SUBMITS THE INFORMATION REQUIRED UNDER 17 AAC 42.550, AND SIGNS A NEW WAIT LIST UNDER (B) OF THIS SECTION, THE INDIVIDUAL SHALL BE PLACED ON A NEW WAIT LIST FOR THE SAME CATEGORY OF SPACE ESTABLISHED UNDER 17 AAC 42.550. THE INDIVIDUAL'S PLACEMENT ON THE NEW WAIT LIST SHALL BE IN THE SAME ORDER OF PRIORITY THAT APPLIED TO THE INDIVIDUAL WITH RESPECT TO OTHER INDIVIDUALS ON THE SUPERSEDED LIST. (F) IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, (1) "PRIOR PERMITTEE" MEANS AN INDIVIDUAL WHO ON JANUARY 14, 2001 HOLDS A VALID TIEDOWN PERMIT ISSUED BEFORE THAT DATE; (2) "PRIOR WAIT LIST" MEANS A WAIT LIST ESTABLISHED BEFORE JANUARY 14, 2001.]

17 AAC 42.810(c) is amended to read:

(c) A person may receive more than one first amendment activity permits for the same or a related purpose in a calendar year so long as the cumulative period of the activity authorized under those

Register ____, _____, 2015 TRANSP. AND PUBLIC FACILITIES

permits does not exceed 60 days, **unless no competing applications exist**. For purposes of this subsection, a permit issued for a first amendment activity is considered received by the individual who signed the permit application and any person sponsoring, promoting, or conducting the proposed activity, as well as the applicant. (Eff. 1/14/2001, Register 157; am ____/____/____, Register ____)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.830(e)(1) is amended to read:

(1) sell any merchandise or solicit or receive money, except that a permittee may place one stationary receptacle of a style and at a location approved by the airport manager's designee for passive receipt of donations during times that the permit is in effect, **so long as permittee actively monitors the security of the receptacle, empties the receptacle no less than once per day and removes the receptacle from the premises when not conducting first amendment activities;**

(Eff. 1/14/2001, Register 157; 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 42.900(c)(9)(B) is amended to read:

(B) result in the monopolization of an **aeronautical** [AVIATION] use on the airport. (Eff. 1/14/2001, Register 157; 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 42.990(2) is repealed:

(2) repealed ___/___/___; [“AIR FREIGHT FORWARDING” MEANS (A) ACCEPTING OR CONSOLIDATING GOODS OR PROPERTY FOR DELIVER TO AN AIR CARRIER FOR TRANSPORT AS CARGO; AND (B) RECEIVING CARGO FROM AN AIR CARRIER FOR SURFACE DELIVERY TO OR PICK-UP BY THE CARGO CONSIGNEE]

17 AAC 42.990(9) is amended to read:

(9) "appraisal" means an unbiased estimate, **prepared using methods generally accepted in the professional appraisal industry**, of, as applicable, the nature, quality, dollar value, or utility of an interest in, or aspect of, identified real estate and related **personal property**, [PERSONALTY] **or of a legal right or privilege**;

17 AAC 42.990(14) is repealed:

(14) repealed ___/___/___; [“AUXILIARY USE” MEANS ANY 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; “AUXILIARY USE” INCLUDES THE FOLLOWING: (A) AIR FREIGHT FORWARDING; (B) 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; (C) IN-FLIGHT CATERING; (D) HOTEL ACCOMMODATION; (E) RESTAURANT SERVICE; (F) IN-TERMINAL CONCESSIONS]

17 AAC 42.990(16) is repealed:

(16) repealed ___/___/2015; [“AVIATION USE” MEANS ANY BUSINESS, SERVICE, OR OTHER FUNCTION THAT DIRECTLY INVOLVES, OR IS NECESSARY FOR, THE NORMAL OPERATION OF AIRCRAFT THAT USE AN AIRPORT; “AVIATION USE” INCLUDES THE FOLLOWING: (A) AIRCRAFT LOADING, UNLOADING, TIEDOWN, PARKING, STORAGE, SALES, SERVICE, RENTAL, MAINTENANCE, OR REPAIR; (B) SALE OR STORAGE OF AVIATION FUEL AND AVIATION PETROLEUM PRODUCTS; (C) PILOT TRAINING; (D) AIR CHARTER OR AIR TAXI SERVICE; (E) AIRPORT TERMINAL BUILDING; (F) AIR CARRIER OPERATIONS; (G) AIRCRAFT GROUND HANDLING; (H) AIRCRAFT PARTS SALES; (I) AIR TRAFFIC CONTROL TOWER, AIR NAVIGATION AID, AND AVIATION WEATHER INSTRUMENTATION]

17 AAC 42.990(55) is repealed:

(55) repealed ____/____/____; [“NONAVIATION USE” 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 SPECIALLY 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; AND (B) INCLUDES A GROCERY STORE, LIQUOR STORE, LUMBER YARD, AGRICULTURAL ACTIVITY, GOLF COURSE, AUTOMOBILE SERVICE STATION, SHOPPING CENTER, AND BOWLING ALLEY]

17 AAC 42.990 is amended by adding new paragraphs to read:

(80) “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;

(81) “non-aeronautical use” means any airport land use, business, service, or function that is not aeronautical use;

(82) “Notice to Airmen”, commonly referred to as a NOTAM, is a notice distributed by means of telecommunications containing information concerning the establishment, condition, or change in any aeronautical facility, service, procedure, or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

(83) “TSA” means the Transportation Security Administration. (Eff. 1/14/2001, Register 157; am 10/20/2002, Register 164; am 11/1/2003, Register 168; am ____/____/____, Register ____)

Authority:	AS 02.15.020	AS 02.15.090	AS 37.15.500
	AS 02.15.060	AS 02.15.200	