

Ted Stevens Anchorage International Airport
Aircraft Tiedown Permit Regulations Proposed Changes
Comments Received During Public Notice Period November 21, 2017 – January 19, 2018

There were 70 distinct comments provided to DOT&PF during the public notice period. For ease of review, the comments are grouped under general topic headings. Those comments that did not specifically address a proposed regulation or were general in nature are included in the last group, Additional Public Comments.

Public Comments on Pilot Certification Requirements

- A pilot certificate with a seaplane rating is required for a water tie-down: I believe that this is an appropriate requirement.
- A pilot certificate is not required for a land or ice tie-down. I believe that this is appropriate.
- Permittees should be required to be pilots just like automobile drivers are required to have a driver's license on the highway.
- Permittees should be certified and current pilots.
- It is not a significant burden to ask someone to produce a pilot certificate when you apply or reapply for a permit.
- It seems inconsistent to have a pilot requirement for water and not one for land/ice.
- The regulations requiring a student pilot certificate for the waitlist, a pilot certificate for a water tiedown and three flights by the permittee are illegal; people who own an aircraft but cannot fly for some reason cannot be restricted from having a permit. There is no just cause to validate this regulation, only an activity assumption. State law and federal regulation do not allow this regulation; equal protection under the law...adding qualifiers that discriminate against a segment of the population are not legal and will end up in litigation with no reasonable defense.
- The removal of the pilot certificate for land and ice tie-downs may re-open the possibility for corporations or other long-life entities being used to avoid the natural turnover of tiedown lease spots that has been a cornerstone of the entire tie-down lease program.
- Consider not having a pilot certificate for the water tiedown.
- There is no statistical data to show that a pilot who owns an aircraft flies it more than an aircraft owner who is not a pilot.
- The fact that a driver's license is required to drive an automobile has no bearing on parking. There is no requirement to have a driver's license to own, be driven in, or park an automobile. The same applies to aircraft. An aircraft owner should not be disqualified from getting a tiedown permit for their aircraft any more than an automobile owner should be disqualified from getting a parking permit just because they don't have a driver's license. An aircraft owner should be allowed to get a tiedown permit regardless of whether they are a pilot.
- The Echo parking waitlist is two years, do not lift the pilot and activity requirements on land tiedowns.
- FAA is responsible for currency and qualifications not the airport.
- Standards should not be greatly reduced for land parking since there is a wait list for positions in Echo and Alpha, Bravo, Charlie, & the Strip are full. Having 'dead' aircraft sit year after year in a prime land spot such as Delta Parking close to the North Ramp for float planes on trailers isn't the best use of the airport.

Public Comments on Proposed Aircraft Owner Requirement

- LHD office needs to keep a handle on the use of the asset and if that means ownership and pilot requirements, fine. Ownership is better than leasing.

- The LHD staff needs to have the best tools to police. There is an upside and downside to both sides, aircraft ownership is best.
- No economics in a pilot leasing an aircraft, removing the leases are okay.
- Any above-board lease will require financially untenable conditions, such as insurance premiums that are as much as 15% of lease.
- There are no leases of private planes that are legitimate, they are all designed to accomplish the subletting scheme.
- A person should be allowed to lease an aircraft so long as the lease is one that has a high standard, such as the leasing conditions established by the FAA for commercial aircraft.
- Using the FAA requirements for commercial aircraft leases, a representative from the leasing company will not come out on Sunday to fly the aircraft.
- I do not support eliminating the option to lease an aircraft for use in a permitted land tie down or float slip. I am currently number 2 on the float wait list and have been waiting for a spot since 2005. I am in the process of looking for a float equipped aircraft capable of hauling a family of five safely and would prefer to take my time looking for an aircraft that I can afford rather than rush into an aircraft that is overpriced and/or in need of extensive maintenance. It took several pilots I know up to 2 years to find a decent C206. Right now, a leased aircraft makes sense and I can look for a C206 while building time in a more readily available Cessna 180 for example. Moreover, it is not financially possible for me or many other owners to own two expensive aircraft at one time. The example is, I buy a float equipped aircraft to fly and keep my spot until a C206 presents itself. I now have to sell my C180 and get the cash in time to buy the C206. Meanwhile, someone else buys the C206. See the problem? A pilot should not have to jump through such a complicated gymnastics routine just to keep their spot at Lake Hood. It should not matter whether I lease or own an aircraft and if you could offer justification for this change I would appreciate it. If some folks are using leases incorrectly, that is an enforcement issue and should not fall on the rest of us.
- The proposal to require aircraft ownership is unreasonably restrictive. Some individuals may not be able to afford ownership (with its obvious up-front costs), or choose to rent/lease rather than purchase for a variety of reasons, including not wanting binding ownership-partnerships "bridging" time between ownership of different aircraft, etc.

Public Comments on Minimum Flight Requirement

- Minimum flight requirements for water tie-downs. I believe that this is an appropriate very low bar that will continue to assure active utilization of these very limited airport assets.
- Suggest that the regulations include a requirement or allowance for signed statements certifying the flights occurred.
- We need to move the people out who aren't using their spots to make way for the young guys coming up.
- The minimum flight requirement is not a burden, but there are aircraft that are obviously not being flown.
- I support most of the proposed changes. It appears that the Department of Transportation and Public Facilities (DOT&PF) has made progress toward simplifying and clarifying the regulations. I am in favor of the provisions repealing the requirements related to notarization of documents and medical requirements, reducing flight activity requirements, allowing permittees to offer assigned tie-downs to the airport for temporary periods, and removal of the annual resubmittal requirements for remaining on a wait-list.
- Flying 3-times during the season is impossible to enforce. Pilots should provide hours flown as shown on the aircraft log.
- Validating three flights a year is unenforceable by the Lake Hood office and anyone who is asked if they did fly will say yes.
- Instead of requiring three flights a year the activity requirement should be 10 hours on the aircraft

and can be validated easily through the aircraft flight logs. The pilot requirement is not valid.

- 17 AAC 52.520 (b) (m) (5) (B) (ii) states that a float plane needs to fly “at least three times during the float season by each permittee listed on the permit.” I think this level of activity is way too low and the skill level of such a low frequency pilot would be very low as well = unsafe. The three times during the float season should be increased and better defined. I suggest that these flights be on different days and in at least three different months of the float season, otherwise a person could go out and make three take offs and landings in a row and theoretically meet the minimum standards. To legally carry passengers, pilots need to be current and that entails three full stop landings every 90 days. Thus if a person only made three flights in a float season they would not be legal to carry passengers. I, for one, wouldn't want to ride with such a non-current pilot.

Public Comment on Corporations as Permit Holders

- 17 AAC 42.520 under “(b) A tiedown permittee or permit applicant” needs to be defined. Otherwise a corporation that is now recognized as a person or individual in the eyes of the courts could be considered a “permittee or permit applicant.” This would become the main way around the wait list and replace the fake leases and fake partnerships. Those individuals would just form a ‘corporation’ and bypass any wait list.

- A corporate structure could feasibly acquire multiple spots if allowed by the airport and be worse than the current leasing/subletting schemes.

- Corporations can have officers who are not share-holders or who have no percentage stake in the company and these people should not be considered “owners” of the aircraft for permitting purposes.

- A requirement to limit issuance of permits to named individuals could be problematic for some. Increasingly, people are conducting “personal” business as LLCs and/or revokable trusts; the first for liability reasons and the latter for estate planning and tax purposes. Provision should be made in the regulations for such situations.

Public Comment on Enforcement of Regulations

- Validating three flights a year is unenforceable by the Lake Hood office and anyone who is asked if they did fly will say yes.

- Flying 3-times during the season is impossible to enforce. Pilots should provide hours flown as shown on the aircraft log.

- Pilots are bragging about not paying for 5 years and planes are sitting in the space with no movement.

- Suggest that a clause in the regulation state that the permittee is liable for legal costs associated with enforcement.

- The airport should have identified how the enforcement of the regulations will occur, either by adding staff or amending the regulation.

- Overall the proposed tiedown regulations have way too many provisions subject to the discretion of the manager. This allows a manager to not enforce airport rules or regulations. Thus nothing will matter and the airport is by default wide open for people to do as they like.

- There are no LHD office policies or procedures; allows an uncertain outcome for given situations. If these existed many of the issues about enforcement and regulations would be better handled. There is no evidence concerning the cost of enforcement or the manpower required to accomplish enforcement of the regulations.

- The enforcement piece is not there. Possibly contract out.

- These regulations need to establish progressive discipline tools so an airport manager would be able to deal with many small and medium infractions. At present it appears the only option for a manager is to terminate a permittee for an infraction. Since that is so severe, all of the many infractions go unaddressed and the airport takes on the air of a ‘free for all, do anything you want.’ Most

requirements are ignored or only voluntarily complied with. Under Alaska Statutes, Title 2. Aeronautics, Chapter 15. Alaska Aeronautics Act of 1949, the airport has been given powers (AS 02.15.020), general rules (17 AAC 45.020) of conduct, violations, and (AS 20.15.240) penalties. The tiedown regulations need to provide more details such as graduated (first, second, third offenses) fines for violations up to the allotted \$500 provided by the Statute. The legislature has provided airport managers with a substantial tool to achieve compliance with the rules and regulations needed to manage a professional airport. Airport management now needs to formulate effective regulations and then commit themselves to manage the airport in a professional manner and not have a 'free for all' situation that now exists at Lake Hood.

- At present there are a great number of cars and trucks parked for long term at tie down spots. Some have been parked for many years and do not have current tags. Each permittee signs a contract that stipulates they will only park a vehicle at their tie down when they are out flying. Besides giving the airport an auto salvage yard look, plugging up some areas so there is congestion when friends of a pilot need to park for a flight, the airport is undermining the private sector off-airport vehicle storage businesses. Lake Hood should not be a free storage yard for vehicles, RVs, or boats. A penalty should be established in these regulations for such violations. The space along the south flank of the strip parking now occupied by about 35 vehicles in long term storage (many by out-of-state seasonal workers) should be given an order to vacate or be towed by the airport manager who has the authority under Alaska Statutes discussed below. Two RVs have parked free there for over ten years. This area should be used for aircraft up for sale and not flying.

- There needs to be a provision that deals with aircraft for sale. Presently, some slips have float planes sitting on the land for years with a "For Sale" sign on it and not actively flying. This wouldn't meet the activity requirement of three flights in the float season, but airport management does nothing about the violation. When a person is putting the aircraft up for sale, it should be moved to another location and does not occupy a slip for years.

Public Comment on the Switch-List

- 17 AAC 42.900 (e)(1) switch-list. In the past, abuse of the wait list & switch list has occurred when a person with political connections was inserted into a slip when they had only recently moved to Anchorage while others waited many years. This is easy for DOT managers to accomplish since the switch list is unpublished or otherwise unknown to the public. Just as the wait lists for a water slip or a spot in Echo Parking is on the airport's web page, so could a listing of people on the switch list. Then it would be more transparent and less likely to be abused.

Public Comment on Permit Term Length

- 17 AAC 52.520 (b) (f) the permit should not be valid for three years. It should be an annual requirement for each holder to go in person to renew. The two-person tie down office staff could accommodate annual in person visits. They would need to have one of them in the office most of the time which isn't happening now. I have visited many times and rarely see another pilot there. By requiring slip holders to go in person & up the stairs would address in part those physically unfit to fly and put a burden on those people who are not really based at Lake Hood, but live in far off places. The renewal of permits should not be allowed by family members or by electronic means. It needs to be in person to weed out the dead pilots.

Public Comments on Additional Permits

- One issue relates to the provisions of 17 AAC 42.520 concerning additional permits. Under proposed 17 AAC 42.520 (b)(4), a permittee or applicant may not be listed on more than one current land or water tiedown permit except as allowed by 17 AAC 42.520(c). A permittee is limited to one permit unless, in the case of a land tiedown, "the airport manager determines that there are excess land

tiedowns, then an additional permit of a land tiedown may be considered.” See proposed 17 AAC 42.520(c)(1). “Excess” is not defined under 17 AAC 42.599, and there are no standards for making the “excess” determination. In contrast, the term “available” is defined under 17 AAC 42.599(4) to mean: (A) Not being the subject of a tiedown permit or permit renewal; (B) not being temporarily or permanently converted by the airport manager to a different category; and (C) neither needed for nor being held by the manager to accommodate airport expansion, development, operation or other state purpose. This creates ambiguity. Is there a difference between an “available” tiedown and an “excess” tiedown? Also, this provision does not appear to take into consideration the fact that many float tiedowns lack wheel access. Other float tiedowns have wheel access in theory, but as a practical matter are not suitable for certain types of aircraft, particularly larger planes, because the roads/taxiways into the fingers Lake Hood are so narrow. Also, some individuals own aircraft that are not suitable for taxiing on gravel. The fact that an individual has a float tiedown with no wheel access, or marginal wheel access, should not preclude them from also applying for a wheel tiedown. I would suggest that 17 AAC 42.520 (c)(1) be changed to state that a permittee is limited to one permit at a time, unless the permittee holds a water tiedown, the additional permit is for a land tiedown, and there are available land tiedowns.

- Another concern I have is with the number of permits and or parking arrangements that an owner or part owner has. I agree that a person should not have more than one float slip, however, there should be provisions for someone to be an owner or part owner in a couple of aircraft. One popular version of this is partnering in one land plane and one float plane. You should be able to own one plane and have it tied down in Echo parking for example and have another plane in a float slip. Additionally, there should be provisions for float pilots to park their aircraft after they convert from floats to wheels. Not all float slips have adequate land plane tie down areas, so where are folks expected to go when they change over to wheels? If you do have adequate space, you should be allowed to park another landplane in front of your float plane. It would take pressure off of other land parking.

Public Comments on Permit Renewal

- I also have a concern about a provision in 17 AAC 42.530(a), regarding permit renewal. It states “permit renewal does not guarantee that a permittee will remain assigned to the same tiedown location.” This is vague, and there are no standards for the determining whether a permittee remains in the same location or not. It makes it sound like the airport could move permittees around for any reason, or no reason at all, like a game of musical chairs. That is probably not what is intended, but in any event would be unfair to permittees, particularly those who have made improvements to a tiedown, or are storing personal property such as floats, skis, wheels, trailers or tools at the tiedown under 17 AAC 42.520 (k)(3). Perhaps this provision is intended to address situations where a tiedown location is needed for airport expansion, development, operation or other state purpose, and a permittee is reassigned. That is already covered in detail under 17 AAC 42.520(l). So, I would suggest deleting this “no guarantee” sentence from 17 AAC 42.530(a) altogether. Alternatively, I would change the sentence to say that the renewed permit will be for the same tiedown location, unless the permittee is relocated under the terms of 17 AAC 42.530(l). There should be some degree of certainty and consistency in the renewal process. The presumption should be that a permittee will stay in the same location, unless there is a valid reason to move them.

- My last comment is a request for clarification. If I am reading the regulation changes correctly, when you renew your permit you might not get your same spot back. Many folks spend their own time and money making improvements to the tie downs or slips to the benefit of themselves and the state of Alaska. Obviously, if there is a larger need, such as a large construction project, there should be room for the State to be able to relocate someone, however, it should not be done arbitrarily.

Public Comment on Improvements to Land Tiedowns

- I appreciate the inclusion of allowing an improvement on a land tiedown.

Public Comment on Airport Liability

- It doesn't make any sense that if the airport designs and installs a tiedown anchor and it comes out of the ground during a windstorm, that the airport would not be somehow responsible.

Public Comment on Additional Public Process

- There should be another series of advisory committee meetings to work through these concerns and invite different people.

Additional Public Comments

- I suggest you designate a limited number of spots on the outer edge of Alpha Parking for dead aircraft parking or aircraft not owned by a pilot.

- Please make sure the regulations help the next generation enjoy the tremendous asset that is Lake Hood.

- Thank you for the planning team's efforts on developing the needed revisions to the proposed Lake Hood permit regulations. I am in favor of most of the changes as proposed.

- I know the planning team has to deal with many conflicting interests and I appreciate the work you are doing. Thank you for the opportunity to comment and I look forward to hearing your responses.

- The wait-list length is not important because no new tiedowns are being built per the new master plan for LHD; to control the wait-list just increase the permit fees.

- I suggest some disclosure that leases are available to individuals and in some cases to groups of individuals.

- Use the vehicle parking along the strip as a lemon lot for the resale of aircraft. That will free up slips being used for the same purpose and somehow once sold, they stay in the same slip.

- The highest and best use of the spot should dictate who should be allowed to have permits.

- We are short of tiedown spaces. The new LHD Master Plan does not include any new water tiedowns, in fact there are fewer now than previously.

- If the wait list can be shortened, people will not keep their spots if they aren't using them.

- People who do not live in Anchorage and are permittees are not using the spots enough, many are using them simply for storage. It seems a requirement to live in Anchorage would encourage the use of the lake.

- People who have a permit should live in Anchorage.

- 17 AAC 42.520 (b) (5) (B) "intend to routinely park and fly an aircraft as listed on the permit using the permitted water tiedown location." At present there are several prime slips held by businesses and individuals who have moved out of Anchorage that are not based at Lake Hood. With requiring only three flights a year to hold a slip, this abuse could continue if that person visited and parked three times a year at the slip. This wording needs to be strengthened to say a slip holder needs to be BASED at Lake Hood Seaplane airport and not in another location.

- Permittees should not be required to have a residency requirement.