

**ARTICLE 6**  
**Transient and Open Aircraft Parking**

Section

600. Transient aircraft fee parking.

610. Open aircraft parking.

17 AAC 45.600. Transient aircraft fee parking.

- (a) The commissioner will designate a portion of an airport for transient aircraft fee parking on a temporary, seasonal, or year-round basis if the commissioner determines in writing that it is in the best interest of the state to do so considering the applicable factors set out in 17 AAC 45.900 and
  - (1) the volume of transient aircraft traffic at the airport and the amount of space available for the parking of transient aircraft;
  - (2) the potential impact of transient aircraft parking fees on airport users;
  - (3) the estimated cost of implementing the requirements of this section at the airport as compared to the potential revenue the department would receive; and
  - (4) the parking services for transient aircraft that are, or could be, provided by lessees at the airport and the potential impact implementation of transient aircraft fee parking by the department would have on those lessees.
- (b) The department will inform the public that the commissioner has designated a portion of an airport for transient aircraft fee parking by
  - (1) giving notice of the designation in accordance with 17 AAC 45.400, including the name of the airport, the temporary, seasonal, or year-round term of the designation, and the effective date of the designation; this date will be at least 30 days after the date the notice is first published or posted; and
  - (2) posting in or near the transient aircraft fee parking area a sign that identifies the area as transient aircraft fee parking area, states the temporary, seasonal, or year-round term of the designation and any limitations on the amount of time an aircraft may be parked in the transient aircraft fee parking area, and includes instructions for using transient aircraft fee parking area and the payment of fees.
- (c) The procedure set out in (b) of this section does not apply to the department's temporary use of a space designated as assigned space under 17 AAC 45.500 - 17 AAC 45.590 for transient aircraft fee parking under 17 AAC 45.530(c).
- (d) The following restrictions and conditions apply to the use of a transient aircraft fee parking area:

- (1) the department will limit the type, weight, use, or dimensions of an aircraft allowed to use a transient aircraft fee parking area if the department determines that the limitation is justified by the design, safety, maintenance, or operation of the transient aircraft fee parking area or the airport;
- (2) a pilot who parks an aircraft in a transient aircraft fee parking area shall comply with all requirements established under 17 AAC 45.030 and posted by the department on a sign in or near the transient aircraft fee parking area, including, as posted, a requirement to provide the mailing address, telephone number and local contact information, if any, for the pilot and for the aircraft owner if different, and to pay the fee established in (f) of this section by
  - (A) reporting to the airport manager or to the department's designated agent at the airport immediately after landing to obtain parking approval and to pay the fee;
  - (B) filling out and signing a transient aircraft fee parking permit envelope furnished by the department and, after enclosing the fee, depositing the envelope in a drop-box furnished by the department;
  - (C) reporting transient aircraft fee parking use and paying the fee by mail according to instructions posted at the parking area or otherwise provided by the department; or
  - (D) complying with any combination of the requirements of (A) through (C) of this paragraph, as determined by the department;
- (3) if the airport manager determines that an aircraft in a transient aircraft fee parking area is not airworthy and that the area is needed for use by other aircraft, the department will or the airport manager shall mail or deliver to the pilot or post on the aircraft a written notice that the department may impound the aircraft under 17 AAC 45.115 if the aircraft is not removed from the transient aircraft fee parking area or restored to an airworthy condition within a period ending not less than 14 days after the date of the notice;
- (4) a person may use a transient aircraft fee parking area only to park, load, and unload aircraft, unless the airport manager authorizes the person also to fuel, maintain, or repair an aircraft or temporarily to park a vehicle or equipment on the area in connection with use or servicing of the aircraft listed on the permit;
- (5) the manager may limit the amount of time an aircraft may be parked in a transient aircraft fee parking area; the manager shall post any time limit established under this paragraph on a sign in or near the transient aircraft fee parking area;
- (6) an aircraft, vehicle, or other personal property parked, placed, or left in violation of this section is subject to impoundment by the department under 17 AAC 45.115.

- (e) A transient aircraft fee parking area may not be used as a base of operations for a commercial aviation business or for an activity for which a business activity permit under 17 AAC 45.105 is required at that airport.
- (f) Subject to (g) of this section, the transient aircraft parking fee is as follows:
  - (1) there is no charge for parking in a transient aircraft fee parking area for 24 hours or less;
  - (2) for each period of up to 24 hours after the first 24 hours, the transient aircraft parking fee for parking a light aircraft is \$5;
  - (3) for each period of up to 24 hours after the first 24 hours, the transient aircraft parking fee for parking a heavy aircraft is the greater of \$10 or \$1 per 1,000 pounds, rounded to the nearest 1,000 pounds, CMGTW of the aircraft.
- (g) Upon a written finding by the commissioner that the designation of an area for transient aircraft fee parking at an airport is no longer in the best interest of the state or that the temporary or seasonal term of the designation should be modified, the commissioner will either terminate or modify a transient aircraft fee parking designation at the airport, as applicable. When the commissioner terminates or modifies a transient aircraft fee parking designation at an airport, the department will
  - (1) mail or deliver written notice of the commissioner's decision to each pilot and owner address reported under (d)(2) of this section for aircraft that then occupy the transient aircraft fee parking area on the airport; and
  - (2) remove, cover, or modify, as appropriate, any sign identifying the area as a transient aircraft fee parking area.
- (h) When the department determines it would be in the best interest of the state to do so, the department will use an agent or contractor to manage the transient aircraft fee parking area at an airport. The department will authorize that person to issue transient aircraft fee parking permits, to collect rents and fees, and to maintain the transient aircraft fee parking area, as appropriate.
- (i) This section does not apply to aircraft parking on a premises at an airport.

History: Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 7/1/2017, Register 222

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

#### 17 AAC 45.610. Open aircraft parking.

- (a) This section applies to use of an area that the department has designated for aircraft parking on an airport at which the department has not designated an area for assigned-space aircraft

parking under 17 AAC 45.500 - 17 AAC 45.590 or transient aircraft fee parking under 17 AAC 45.600.

- (b) The department will limit the type, weight, use, or dimensions of aircraft that may be parked in an open parking area if the department determines the limitation is appropriate for the design, safety, maintenance, or operation of the open parking area or the airport.
- (c) Space in an open parking area is available for aircraft parking when the space is not occupied by another aircraft.
- (d) An open parking area may not be used for parking an aircraft that is not airworthy unless the pilot, owner, or other person responsible for the aircraft is making reasonable efforts to restore the aircraft to an airworthy condition or to remove it.
- (e) If the airport manager determines that an aircraft that is not airworthy is parked in an open parking area in violation of (d) of this section or that there is insufficient open parking area at the airport for parking of other aircraft and that an alternative private or public area is available at the airport for an aircraft under repair, the department will or the airport manager shall mail or hand deliver to the pilot, owner, or other person responsible for the aircraft, or post on the aircraft, a written notice of the violation or order to move the aircraft. The notice or order shall state that, if the aircraft is not removed from the open parking area or restored to an airworthy condition in a period ending not less than 14 days after the date of the notice, the department may impound the aircraft under 17 AAC 45.115.
- (f) A person may use an open parking area only to park, fuel, maintain, load, and unload aircraft, unless the airport manager authorizes the person also to fuel, maintain, or repair an aircraft or temporarily to park a vehicle or equipment on the area in connection with use or servicing of an aircraft. An open parking area may not be used to store fuel, equipment, or cargo or to park an unattended vehicle.
- (g) An aircraft, vehicle, or other personal property parked, placed, or left in an open parking area in violation of this section is subject to impoundment by the department under 17 AAC 45.115.
- (h) The airport manager may restrict pedestrian and vehicular access to an open parking area if the department determines that the restriction is necessary for the safety or security of the airport.

History: Eff. 3/28/2002, Register 161

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

*Revised 7/17*

