ARTICLE 5
Assigned-Space Aircraft Parking

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17 AAC 45.500. Assigned-space aircraft parking designation.

(a) The commissioner will designate an airport for assigned-space aircraft parking if the commissioner determines in writing that the designation is in the best interest of the state. In making this determination, the commissioner will consider the applicable factors set out at 17 AAC 45.900 and the following:

(1) the number of aircraft based at the airport, other than those based on leased premises, the demand for transient aircraft fee parking, and the amount of space available for assigned-space aircraft parking at the airport;

(2) the potential impact of assigned-space aircraft parking fees on airport users; and

(3) the department's estimate of the cost to implement the requirements of 17 AAC 45.500 - 17 AAC 45.590 at the airport compared to the potential revenue the department would receive for assigned-space aircraft parking at the airport.

(b) The department will inform the public that the commissioner has designated an airport for assigned-space aircraft parking by giving notice in accordance with 17 AAC 45.400. The notice will include

(1) the name of the airport;

(2) any limitations established under (e) of this section on the number of permits for a category of assigned space that may be held by any one person;

(3) the deadline for submitting a permit application to the department in order to be considered for the initial award of permits; this date will be at least 30 days after the first date the notice is published or posted;

(4) the address for obtaining a permit application form;

(5) the address for submitting a permit application; and

(6) if permits are to be awarded by lottery under 17 AAC 45.550, the time and place for an assigned-space permit lottery.

(c) When the commissioner designates an airport for assigned-space aircraft parking, the department will establish the first date on which the requirements of 17 AAC 45.500 - 17 AAC 45.590 will apply to the airport.

(d) The categories for permits under 17 AAC 45.500 - 17 AAC 45.590 are float, wheel, and ski/tundra tire, as the department determines to be applicable for each airport the commissioner designates for assigned-space aircraft parking. If the department determines that assigned spaces of one permit category may be used for parking aircraft with landing gear of a different category without posing unreasonable safety, operational, or management conflicts, the department will permit that use.

(e) When the department determines that the demand for assigned spaces in a category at an airport exceeds the number of spaces available, the department will limit the number of permits for a category of assigned spaces that a person may hold at that airport. During any period that a limit under this subsection on the number of permits a person may hold is in effect at an airport, the department will deny an application for a new permit or a permit renewal for a category of assigned space at that airport if the applicant already holds at that airport a number of permits for that category that is equal to or in excess of the limit established for that category under this subsection.

(f) If the department determines in writing that the demand for assigned spaces in a category at an airport exceeds the number of spaces available by 50 percent or more, the department may, after determining the maximum number of spaces in that category allowed per permit holder under (e) of this section, cancel permits in excess of that number held at that airport for that category by the same permit holder. If the department cancels permits under this subsection, it will do so in a manner that assures that no person holds more than the maximum number of spaces established for that category at that airport under (e) of this section.

(g) When the department determines in writing that it would be cost-effective and in the best interest of the state to do so, the department will use an agent or contractor to manage assigned spaces at an airport. The department will authorize that person to do one or more of the following, as appropriate:

(1) issue assigned-space permits;

(2) collect rents and fees;

(3) maintain the assigned space.

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

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.510. Assigned-space use and fees.

(a) The department will limit the type, weight, use, or dimensions of aircraft authorized to use an assigned space at an airport when doing so is justified by the design, safety, maintenance, or operation of the space, the parking area, or the airport.

(b) A person may park only one aircraft at a time in an assigned space on an airport and only an aircraft listed on the assigned-space permit issued for that space under 17 AAC 45.520. A person is eligible to receive an assigned-space permit from the department only if

(1) the person owns or leases at least a one-third interest in each aircraft listed on the permit;

(2) each aircraft listed on the permit is airworthy;

(3) the person has submitted to the department a completed application that satisfies all requirements for approvals under 17 AAC 45.520; and

(4) the person timely pays

(A) for a long-term permit, the first six months' space rent, and any electrical access surcharge required under (p) of this section; or

(B) for a short-term permit, the first three months' space rent and any electrical access surcharge required under (p) of this section.

(c) If a permittee sells or transfers the permittee's interest in an aircraft identified in the permit or if the aircraft ceases to be airworthy, the permittee shall give the department notice of the sale, transfer, or unairworthy condition of the aircraft within 30 days after the date of the sale or transfer or the first date the aircraft is no longer airworthy.

(d) If the airport manager determines that an aircraft is not airworthy, the department will issue a written notice directing the permittee to restore the aircraft to an airworthy condition, obtain a replacement aircraft, or relinquish the permit.

(e) A holder of a long-term permit has 270 days, subject to extension under 17 AAC 45.530(g), from the earliest of the date of the sale or transfer of an aircraft identified in the permit, the first date the aircraft is no longer airworthy, or the date of the department's written notice under (d) of this section to

(1) obtain a replacement aircraft that is airworthy;

(2) restore the aircraft to an airworthy condition; or

(3) remove the aircraft from the space and, if no other aircraft is listed on the permit, relinquish the permit.

(f) If a permittee replaces an aircraft identified in the permit, the permittee shall, within 30 days after the replacement,

(1) notify the department that the replaced aircraft is withdrawn from the permit;

(2) provide to the department a copy of the current registration and a statement of the dimensions of the replacement aircraft; and

(3) provide evidence to the department that the permittee is the owner or lessee of at least a one-third interest in that aircraft.

(g) Except as provided in (h) of this section, a person may not use an assigned space for fuel storage, vehicle parking, equipment storage, parking more than one aircraft at a time, or any other purpose not specifically authorized by the department in the permit for that assigned space. A person may not use an assigned space in operation of a commercial or business activity unless the assigned-space permit for that space expressly authorizes that use.

(h) The holder of an assigned-space permit may, subject to 17 AAC 45.055, 17 AAC 45.080, and 17 AAC 45.085, as applicable

(1) park one permittee-owned vehicle and one guest- or customer-owned vehicle in the assigned space while the aircraft assigned to the space is on a flight, unless the airport manager determines that the vehicle parking will interfere with the maintenance, operation, or safety of the airport;

(2) park one permittee-owned vehicle in the assigned space while the permittee is fueling, maintaining, repairing, or readying for a flight an aircraft identified in the permit for the space;

(3) allow an aircraft service vendor to park a vehicle in the assigned space only while the service vendor is fueling, maintaining, repairing, or otherwise servicing an aircraft identified in the permit for the space;

(4) use a motor vehicle equipped with an aviation fuel tank or fuel dispensing apparatus to fuel an aircraft identified in the permit for the space; and

(5) if the department has approved doing so in writing, place and use a permittee-owned aviation fuel storage tank, equipment shelter, or both, as applicable, on an assigned space that is designated by the department for use by

(A) wheel- or ski-equipped aircraft, if the space is located on a portion of the airport where the department has determined in writing that it is appropriate to allow a permittee to have either a fuel tank or an equipment shelter or both on the assigned space; or

(B) float-equipped aircraft.

(i) An aircraft, vehicle, or other personal property parked or placed in violation of 17 AAC 45.500 - 17 AAC 45.590 is subject to impoundment by the department under 17 AAC 45.115.

(j) The department is not obligated to provide an aircraft tiedown anchoring device in an assigned space. The use of any anchoring device provided on the premises is at the sole risk of the user. If the department does not provide tiedown anchoring devices in an assigned space, or if the permittee chooses not to use a provided anchoring device, the permittee may install and use at the permittee's own risk, only a screw-in or duck bill anchoring device or another device that the department specifically approves in writing for that purpose. Any anchoring device installed in an assigned space must, unless otherwise authorized or directed by the department, be left installed and becomes the property of the department upon cancellation of the permit or upon expiration of the permit not followed by a new permit for the same space to the same permittee.

(k) For payment of rent and any electrical access fee under (p) of this section for an assigned space, the department will establish a six-month billing cycle for a long-term permit, and a three-month billing cycle for a short-term permit. Except as provided in (b)(4) or this section, the applicable rent and electrical access fee is due on or before the first day of the billing cycle.

(*l*) If a long-term assigned-space permit or a short-term assigned-space permit is cancelled, the department will deduct any obligation of the permittee to the department under the permit or any other lease, permit, or concession under this chapter from the amount of the advance rent and any electric access fee paid, and will refund any remaining space rent and any electrical access fee that has been paid for any month after the month in which the permit is cancelled. However, an initial payment under (b)(4) of this section is not refundable.

(m) The monthly rent for an assigned space designated by the department for use by wheel- or by ski-equipped light aircraft is:

Space Type	Space Surfaces	Monthly Rent In Dollars
Tail-in	Unpaved	$30
Tail-in	Paved	$35
Taxi-through	Unpaved	$40
Taxi-through	Paved	$45

(n) The monthly rent for an assigned space designated by the department for use by float-equipped light aircraft is $30.

(o) The monthly rent for an assigned space for a heavy aircraft is $30 for the first 6,000 pounds CMGTW, plus $10 per 1,000 pounds of the aircraft's CMGTW over 6,000 pounds, rounded to the nearest 1,000 pounds.

(p) In addition to the rent for an assigned space required under (m) - (o) of this section, the permittee shall pay to the department an electrical access fee of $10 per month for an assigned space with access to electrical power, whether or not the permittee actually uses the electrical access. This fee applies to and covers only the access to electrical power. A permittee who has electrical power access to the permittee's assigned space must separately meter the power and pay all associated costs.

History: Eff. 3/28/2002, Register 161; am 11/23/2003, Register 168; am 3/22/2008, Register 185

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.520. Assigned-space permit application.

(a) To obtain a permit for an assigned space, a person must submit an application to the department. A person may not submit an application for an assigned space for an aircraft that is already listed on an assigned-space permit or on an application for a different permit unless the application identifies the other permit or application and states the applicant's intent to relinquish the other permit or withdraw the other application upon issuance of the new permit. The application must be on a form provided by the department and include

(1) the applicant's name, mailing address, and if available, telephone and facsimile numbers and electronic-mail address;

(2) a copy of the current aircraft registration and a statement of the dimensions of each aircraft that the applicant intends to park in the assigned space;

(3) a statement of the interest that the applicant owns or leases in each aircraft identified under (2) of this subsection, together with the name of and interest held by all other persons who own or lease an interest in that aircraft;

(4) a copy of the lease if the applicant leases the aircraft;

(5) a statement that each aircraft identified in (2) of this subsection is airworthy;

(6) a list of each alternate assigned space for which the applicant requests consideration, in order of the applicant's preference;

(7) a statement as to whether the space is to be used in whole or in part in a commercial aviation business or strictly for noncommercial purposes;

(8) if the space will be used in whole or in part in a commercial aviation business, a description of the applicant's business and a copy of the applicant's Alaska business license;

(9) a non-refundable $25 application fee; and

(10) a statement as to whether the application is for a short-term permit or long-term permit.

(b) The department may require an applicant to submit documentation or additional information to verify the statements made in an application for an assigned-space permit.

(c) Subject to the availability of a space throughout the period requested and (d) and (e) of this section, the department will approve an application for assigned space unless

(1) the applicant fails to submit the information required under (a) or (b) of this section;

(2) the applicant is not in compliance with the requirements of 17 AAC 45.500 - 17 AAC 45.590;

(3) the aircraft the applicant intends to park on the assigned space does not conform to applicable dimension, weight, use, or type limits established by the department under 17 AAC 45.030 or 17 AAC 45.510(a) for any requested space;

(4) the applicant is not the owner or lessee of at least a one-third interest in the aircraft to be parked on the assigned space;

(5) the aircraft to be parked on the assigned space is not airworthy;

(6) the application must be denied under 17 AAC 45.010(g);

(7) the applicant is requesting an additional assigned space for a category of assigned space for which the applicant already holds the maximum number of spaces that the department allows per person under 17 AAC 45.500(e) or (f); or

(8) the applicant does not agree to accept an available space that the department proposes to assign to the permit under (e) of this section.

(d) Notwithstanding (c) of this section, the department may deny an application for an assigned space if the applicant is a current lessee or permittee under a lease or a permit at the airport for use of land that is suitable for aircraft parking and is accessible to the runway by aircraft.

(e) Except as provided under 17 AAC 45.550, if the department approves an application, the department will assign the applicant's first choice space to the permit if the space is available. If the applicant's first choice space is not available because it is the subject of another permit or because the department has determined that the space requested by the applicant is needed by the department for airport development or other state purpose, the department will assign the applicant's second choice space to the permit. With the applicant's agreement, if the applicant's first and second choice spaces are not available, the department may assign another available space to the applicant.

(f) The department will mail or hand deliver to the applicant a permit form for a space assigned under (e) of this section. The applicant has 20 days after the date the department mails or hand delivers the permit form to sign and return the form to the department, together with payment of the rent due under 17 AAC 45.510(*l*). If the applicant does not timely return the signed permit form to the department and pay the rent due, the opportunity to receive the permit lapses.

(g) Except when awarding permits in a lottery under 17 AAC 45.550, the department will issue permits for assigned space at an airport in the same order as the department receives completed applications.

(h) An applicant for an assigned-space may protest the department's denial of the applicant's application under (c) or (d) or the lapse of an opportunity to receive a permit under (f) of this section in accordance with 17 AAC 45.910.

History: Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.530. Assigned-space permit.

(a) The term of a long-term assigned-space permit at an airport is five years unless the department determines that the space may be needed for airport development within that period or that a shorter term is otherwise in the best interest of the state. The term of a short-term assigned-space permit is one year or less.

(b) In addition to the requirements and conditions stated in 17 AAC 45.510, the following requirements and conditions apply to assigned-space permits:

(1) the permittee may park on the assigned space only an aircraft identified in the permit;

(2) within 90 days after the effective date of a long-term permit, or 45 days after the effective date of a short-term permit, the permittee must begin parking an aircraft identified in the permit on the assigned space;

(3) if the department requires access to a permittee's assigned space for construction, repair, or other purposes, the department may temporarily assign an alternate space to the permittee for the duration of the department's need for the space, subject to the following:

(A) except in the case of an emergency, the department will give the permittee at least 10 days written notice of the temporary assignment;

(B) during the temporary assignment period, the permittee shall pay rent for the temporary space only, at the rate applicable to either the temporary space or the permittee's assigned space, whichever is less;

(4) a permittee who has a permit that authorizes use of an assigned space to park an aircraft used in a commercial aviation business may also use the space for noncommercial purposes;

(5) the department is not obligated to perform snow removal or other maintenance or repair in an assigned space;

(6) a permittee may not transfer, assign, sublet, or loan an assigned space to another person;

(7) as between the department and the permittee, the permittee assumes sole responsibility for the care and protection of the permittee's aircraft parked on the assigned space;

(8) upon written request by the department at any time during the term of the permit, the permittee shall submit to the department additional information requested by the department to support the permittee's compliance with the applicable requirements of 17 AAC 45.500 - 17 AAC 45.590;

(9) a permittee must notify the department of any change in mailing address, telephone or facsimile number, or electronic-mail address.

(c) During a period for which the department determines that the demand for transient aircraft fee parking space at an airport exceeds, or will exceed, the transient aircraft fee parking space available, the department will, at least 10 days after mailing or delivering written notice to each assigned-space permittee at the most recent address provided by the permittee, make each assigned space available for transient aircraft fee parking when the space is not occupied. The notice will include a statement of the beginning and ending dates of the period during which the department anticipates that assigned space will be needed to accommodate transient aircraft parking needs. If an assigned-space permittee notifies the department in advance in writing that, during the period stated in the notice, the permittee's aircraft will be absent from the assigned space for more than 21 consecutive days, specifying the beginning and ending dates of the anticipated absence, then during the period of absence stated in the permittee's notice to the department,

(1) the department may authorize others to use the assigned space for transient aircraft fee parking under 17 AAC 45.600 at their sole risk;

(2) the department will credit to the permittee's space rent obligation one half of any transient aircraft fee parking revenue that the department collects from transient use of the permittee's space; and

(3) the permittee may not park an aircraft or vehicle in the assigned space.

(d) For up to 180 days after the death of a long-term assigned-space permittee, or 60 days after the death of a short-term assigned-space permittee, the personal representative of the permittee's estate may, after written notice to the department, keep the permit in order to

sell or remove the permittee's aircraft. The personal representative shall pay any unpaid rent for the space through the date the space is relinquished to the department under (h) of this section and shall comply with and be subject to all the terms of the permit through that date.

(e) A permittee who desires to renew an expiring assigned-space permit must, at least 30 days before the expiration date of the permit, submit to the department an application for a renewal permit for the space. The application must be on a form provided by the department and must include

(1) a non-refundable $25 application fee; and

(2) a statement signed by the permittee stating

(A) that the permittee is in compliance with the expiring permit and this chapter;

(B) the interest that the applicant owns or leases in each aircraft identified on the expiring permit, together with the name of and interest held by all other persons who own or lease an interest in that aircraft; and

(C) whether each aircraft listed on the expiring permit is airworthy.

(f) Subject to any limit on the number of permits a person may hold for a category of permit under 17 AAC 45.500(e), the department will approve an assigned-space permittee's application for a renewal permit unless the department determines that

(1) the assigned space is needed for airport development or other state purpose;

(2) the permittee is not in compliance with the expiring permit or the applicable provisions of 17 AAC 45.500 - 17 AAC 45.590;

(3) the permittee is not the owner or lessee of at least a one-third interest in each aircraft listed on the expiring permit and that the permittee proposes to list on the renewal permit;

(4) no aircraft listed on the expiring permit and that the permittee proposes to list on the renewal permit is airworthy and the permittee does not provide reasonable assurance that at least one aircraft will be made airworthy or replaced within the period provided under 17 AAC 45.510(e); or

(5) the application must be denied under 17 AAC 45.010(g).

(g) The department may, for good cause shown, approve a request by an assigned-space permittee or permittee's personal representative, as applicable, to extend the period of time to perform an act required under 17 AAC 45.510(e) or under (d) of this section. The request must be in writing and must include justification for the request and a date by

which the required act will be completed. Any extension or combination of extensions granted under this subsection will not exceed 90 days.

(h) After the expiration or cancellation of an assigned-space permit, the departing permittee remains responsible to pay rent to the department and to abide by all other permit obligations, including maintenance of the space, through the date on which the permittee relinquishes possession of and completely vacates the space. A departing permittee will not be considered to have relinquished possession and completely vacated the space until the permittee has

(1) remediated, consistent with applicable law, any contamination for which the permittee is responsible under this chapter;

(2) restored the space to a clean and neat physical condition acceptable to the department; and

(3) removed all of the permittee's personal property from the space, except for any aircraft tiedown anchoring device that the department has not authorized to be removed.

(i) An assigned-space permittee may protest the department's denial of the permittee's application to renew an expiring permit under (f) of this section or the department's denial of a request to extend the period to perform an act under (g) of this section in accordance with 17 AAC 45.910.

History: Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.540. Cancellation of an assigned-space permit.

(a) A long-term assigned-space permit holder may cancel the permit for any reason upon 30 days' written notice to the department. A short-term assigned-space permit holder may cancel the permit for any reason upon 10 days' written notice to the department.

(b) The department will cancel an assigned-space permit if, 30 days after the department mails or delivers written notice of noncompliance to the long-term permittee, or 10 days after the department mails or delivers written notice of noncompliance to the short-term permittee, the permittee has failed to pay the required rent for the space and any applicable electrical access fee when the rent is due as provided in 17 AAC 45.510 or has otherwise failed to comply with an applicable requirement of 17 AAC 45.500 - 17 AAC 45.590 or the terms of the permit.

(c) The department may cancel an assigned-space permit for any reason not in violation of the law

(1) 45 days after the department mails or delivers written notice of the department's intent to cancel to a short-term permittee;

(2) 90 days after the department mails or delivers written notice of the department's intent to cancel to the long-term permittee; or

(3) after as much notice as may be practical under the circumstances if the department determines that the space is needed on an emergency basis.

(d) After cancellation of an assigned-space permit, the department will determine the rent payable for the space to the date the permittee relinquishes and vacates the space under 17 AAC 45.530(h). The department will refund any excess rent paid by the permittee after deducting

(1) any amount owed to the department by the permittee under a contract with the department; and

(2) the amount applicable to any remainder of the first three months of a short-term permit or the first six months of a long-term permit.

(e) An assigned-space permittee may protest the department's cancellation of a permit under this section in accordance with 17 AAC 45.910.

History: Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.550. Assigned-space permit lottery.

(a) The department will award by lottery initial permits for a category of assigned space at an airport if

(1) when designating an airport for assigned-space aircraft parking under 17 AAC 45.500, the commissioner determines that the demand for assigned space in that category at the airport exceeds the space available for that category; or

(2) the number of applications received by the department for assigned space in that category in response to the public notice given under 17 AAC 45.500 exceeds the number of spaces available for that category.

(b) Before conducting an assigned-space permit lottery, the department will give notice of the lottery to the public in accordance with 17 AAC 45.400. The notice will include

(1) the name of the airport;

(2) the number of assigned-space permits in the category being made available;

(3) a description of the permits being made available, including term, conditions, and limitations;

(4) the address and last date and time by which an application must be received by the department to be included in the lottery; the date will be at least 30 days after the date the notice is first published or posted under 17 AAC 45.400; and

(5) the date, time, place, and manner of conducting the lottery, which may include either random assignment of spaces or space assignment based upon preferences stated in randomly drawn applications.

(c) The department will include in a lottery under this section each applicant who has submitted an assigned-space permit application in accordance with 17 AAC 45.520(a) and (b), as applicable, and whose application has been approved by the department under 17 AAC 45.520(c).

(d) The department will conduct an assigned-space permit lottery at the time and place stated in the public notice substantially as follows:

(1) attendance at the lottery is open to the public;

(2) a separate lottery is conducted for each category of assigned space identified in the public notice;

(3) the department draws applications one at a time until all applications have been drawn;

(4) as each application is drawn, the applicant's name and either the randomly-assigned space number or the order of the applicant's space preferences, as applicable, are announced and recorded;

(5) if spaces are to be assigned based upon applicant preference,

(A) the applicant whose application is drawn first is awarded a permit for the highest choice of assigned space listed in the application; and

(B) for each subsequent application drawn, the department awards to the applicant

(i) a permit for the highest choice of assigned space that is listed in the application and has not yet been awarded; or

(ii) if each space listed in the application is already awarded, a permit for an available space as determined by the department; if the applicant has stated in the application that the applicant only desires award of an assigned space specifically listed in the application, then no space is awarded to the applicant;

(6) if the department has assigned all available spaces before all applications have been drawn, the department will establish a wait list under 17 AAC 45.570 starting with the remaining applicants in the order that remaining applications are drawn.

(e) An applicant for a permit under this section may protest a decision by the department regarding that person's application in accordance with 17 AAC 45.910.

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

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.560. Assigned-space switch list.

(a) For each airport designated for assigned-space aircraft parking, the department will establish and maintain a switch list by which a permittee may have an opportunity to receive reassignment to a different assigned space in the same category. Each switch list will be maintained in chronological order according to the date the department receives each written switch request under (b) of this section for that category of assigned space. Each switch list is a public record and will include

(1) each requesting permittee's

(A) name;

(B) mailing address;

(C) if available, telephone and facsimile numbers and electronic-mail address; and

(D) currently assigned space and the category of space and list or description of spaces to which the permittee would accept reassignment; and

(2) the date the department received each switch request.

(b) An existing permittee in good standing may request to be placed on a switch list by submitting a written request on a form provided by the department. Placement on a switch list does not create a right to reassignment to a different space.

(c) When an assigned space becomes available, the department will, by telephone, facsimile, electronic-mail, or other means reasonably calculated to make immediate contact, make not less than one attempt on each of at least two days to offer the space to the first permittee on the applicable switch list who has requested to be reassigned to that space.

(d) If the permittee does not accept an offer under (c) of this section within five days after the department offers the space, or if the department is unable to contact the permittee by the attempts described in (c) of this section, the department will offer the available space to the next permittee on the applicable switch list who has requested reassignment to that space. If

no switch-list permittee who requested reassignment to the space accepts the offer of that available space, the department will make the space available to the first wait-list applicant in accordance with 17 AAC 45.570.

(e) A permittee who accepts an offer to switch to a new assigned space under this section shall, within 14 days after accepting the offer, execute a permit amendment or new permit for the new space for the balance of the permittee's term at the previous assigned space and relocate the permittee's aircraft to the new space. In addition, the permittee shall, at no expense to the department,

(1) relocate the permittee's personal property to the new space;

(2) transfer the permittee's personal property to the succeeding permittee of the vacated space; or

(3) remove the permittee's personal property from the airport.

(f) If a permittee on a switch list fails to accept an offered space within five days of receipt of the offer under (d) of this section or the department is unsuccessful in its attempts to contact the permittee as provided in (c) of this section, the department will move the permittee's name to the end of the switch list.

(g) A permittee on a switch list must notify the department of any change in mailing address, telephone or facsimile number, or electronic-mail address.

(h) A permittee who applies to be placed on a switch list or a permittee on a switch list may protest a decision of the department under this section in accordance with 17 AAC 45.910.

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

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.570. Assigned-space wait list.

(a) When permits have been issued for all assigned spaces in a category on an airport, the department will establish and maintain in chronological order according to the date the department receives written assigned-space or wait-list applications, a wait list of applicants for space in that category. A wait list is a public record.

(b) The department will add to a wait list for an airport a person who has submitted to the department either a completed application for an assigned space or a wait-list application on a form provided by the department.

(c) A wait list will include each applicant's name, mailing address and, if available, telephone and facsimile numbers and electronic-mail address, and the date the application was received by the department.

(d) Except as provided for a wait list established in connection with an assigned-space permit lottery under 17 AAC 45.550(d), the department will add names to a wait list for a category of space at an airport in the order that the department receives applications for that category of space or wait list at that airport.

(e) An applicant on a wait list shall promptly notify the department in writing of any change in the applicant's name, mailing address, telephone or facsimile number, or electronic-mail address.

(f) In order to remain on a wait list, an applicant must submit to the department between September 1 and October 31 of each calendar year a written request to do so. The department will remove from a wait list the name of a person who fails timely to submit a written request under this subsection.

(g) When an assigned space becomes available and is not assigned to another permittee on a switch list under 17 AAC 45.560, the department will identify the applicant who is first on any applicable wait list and whose application lists an aircraft that satisfies any limitation established for the space under 17 AAC 45.510(a). If, within the preceding 12 months, the applicant has submitted an assigned-space permit application that is approvable under 17 AAC 45.520(c), the department will mail or hand deliver to the applicant a permit form for the space. If the applicant has not submitted an assigned space application that is approvable under 17 AAC 45.520(c) within the preceding 12 months, the department will mail or hand deliver to the applicant a new permit application to be submitted in accordance with 17 AAC 45.520.

(h) When the department mails or delivers a new permit application to an applicant under (g) of this section, the applicant must complete and submit the application and, if the applicant has not already done so for a pending application, pay the application fee required under 17 AAC 45.520(a) to the department within 20 days after the date that the department mails or hand delivers the application. If the applicant does not timely submit the application and application fee, if applicable, the applicant's opportunity to apply for the available space lapses, and the department will remove the applicant's name from the wait list, mail or deliver written notice to the applicant that the department has done so, and make the space available to the next person on the wait list in accordance with (g) of this section.

(i) The department will approve an assigned space application submitted under (h) of this section if the application is approvable under 17 AAC 45.520(c), except that the applicant has 90 days from the date the application is submitted to acquire at least a one-third ownership or leasehold interest in an airworthy aircraft that the applicant seeks to list on the permit. If the department approves an application under this paragraph, the department will mail or hand deliver a permit for the space to the applicant.

(j) An applicant to whom the department mails or hand delivers a permit form under (g) or (i) of this section must, within 20 days after the date of that mailing or delivery, sign the permit and return it to the department together with payment of the rent due under 17 AAC 45.510(*l*) - (p), as applicable. If the applicant timely signs and returns the permit and pays

the required rent, the department will award the permit for the assigned space to the applicant and remove the applicant's name from the wait list. If the applicant does not timely sign and return the permit with the rent payment, the applicant's opportunity to accept the permit lapses, and the department will remove the applicant's name from the wait list, mail or deliver written notice to the applicant that the department has done so, and make the permit available to the next person on the list in accordance with (g) of this section.

(k) A permit applicant who applies to be placed on a wait list or an applicant on a wait list may protest a decision of the department under this section in accordance with 17 AAC 45.910.

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

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.580. Birchwood airport transitional compliance requirements.

The Birchwood Airport is designated for assigned-space aircraft parking. The provisions of 17 AAC 45.500(a) - (c) do not apply to the Birchwood Airport.

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

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 45.590. Definitions.

In 17 AAC 45.500 - 17 AAC 45.590, unless the context otherwise requires,

(1) "long-term" means a term more than one year;

(2) "noncommercial purpose" means the use of an assigned space to park an aircraft that is flown only for purposes other than commercial aviation business;

(3) "short-term" means a term less than one year;

(4) "tail-in" means a type of assigned space into which the aircraft must be backed, tail first;

(5) "taxi-through" means a type of assigned space configured to allow an aircraft to be moved into and out of the parking position under its own power.

History: Eff. 3/28/2002, Register 161; am 3/22/2008, Register 185

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090