

H B

510

Revision Date: _____

<p>REQUEST Bill/Resolution No.: <u>CSHB 510(TRSP)</u> Title: <u>Act relating to accidents involving state & municipal aircraft</u> Sponsor: <u>Transportation Committee</u> Requestor: <u>House Transportation</u> Date of Request: <u>3/22/84</u></p>	<p>FISCAL DETAIL Agency Affected: <u>Public Safety</u> Program Category Affected: <u>Fish & Wildlife Protection</u> BRU, Program or Subprogram(s) Affected: <u>Fish & Wildlife</u></p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No fiscal impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Paul Conger Phone: 465-4333
 Division: Administrative Services Date: _____
 Approved by Commissioner: [Signature] Date: 3/23/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

(7)

1/12/84

Date: 3/22/84

Mr. Speaker:

The Committee on TRANSPORTATION has had HB 510

"An Act relating to accidents involving state aircraft."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 510 (amended) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" ²⁰¹⁰ New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

William H. Harrison

W.B. Stewart

M.W. Miller

Ed. Carr

MEMBERS HAVING
OTHER RECOMMENDATIONS:

John J. ... No P. Rec.

W.H. ... No Rec.

W.B. ... No Rec.

W.H. ... No Rec.

W.H. ... No Rec.

Ed. Carr
CHAIRMAN

MATERIALS IN FOLDER

1. Work Draft of CSHB 510 (Transportation) for the Committee to address
2. Federal Aviation Regulations (Highlighted language included in CS draft
3. Position Paper from the Department of Public Safety supporting CSHB 510 (Transportation)
4. Copy of Statute:
August 1979 02.15.190-02.15.260
October 1983 Supplemental 02.15.191-02.15.260
5. Letter from George Kobelynk, National Transportation Safety Board, which provides information on definitions

Teleconference with George Kobelynk with committee today who will address CSHB 510 and briefly explain problems with present aeronautics statutes.

It has come to the attention of staff that the aeronautic statutes are in need of an overall clean-up. Staff request this to be done during the interim period.

CSHB 510 (Transportation) addresses the need for reporting and requesting investigation of aircraft accidents.

NATIONAL TRANSPORTATION SAFETY BOARD

PART 830—RULES PERTAINING TO THE NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A—General

- Sec.
830.1 Applicability.
830.2 Definitions.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

- Sec.
830.3 Immediate notification.
830.6 Information to be given in notification.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

- 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

- 830.15 Reports and statements to be filed.

AUTHORITY: Title VII, Federal Aviation Act of 1958, as amended, 72 Stat. 781, as amended by 76 Stat. 921 (49 U.S.C. 1441 et seq.), and the Independent Safety Board Act of 1974, Pub. L. 93-633, 88 Stat. 2166 (49 U.S.C. 1901 et seq.).

Subpart A—General

§ 830.1 Applicability.

This part contains rules pertaining to: (a) Providing notice of, and reporting, aircraft accidents and incidents and certain other occurrences in the operation of aircraft when they involve civil aircraft of the United States wherever they occur, or foreign civil aircraft when such events occur in the United States, its territories or possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil aircraft in the United States, its territories or possessions.

§ 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, and in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or in which the aircraft receives substantial damage.

"Fatal injury" means any injury which results in death within 7 days of the accident.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which (1) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) involves lacerations which cause severe hemorrhages, nerve, muscle, or tendon damage; (4) involves injury to any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

"Substantial damage":

(1) Except as provided in subparagraph (2) of this paragraph, substantial damage means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.

(2) Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part.

Subpart B—Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.5 Immediate notification.

The operator of an aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board), Bureau of Aviation Safety field office¹ when:

(a) An aircraft accident or any of the following listed incidents occur:

(1) Flight control system malfunction or failure;

(2) Inability of any required flight crewmember to perform his normal flight duties as a result of injury or illness;

(3) Turbine engine rotor failures excluding compressor blades and turbine buckets;

(4) In-flight fire; or

(5) Aircraft collide in flight.

(b) An aircraft is overdue and is believed to have been involved in an accident.

§ 830.6 Information to be given in notification.

The notification required in § 830.5 shall contain the following information, if available:

(a) Type, nationality, and registration marks of the aircraft;

(b) Name of owner, and operator of the aircraft;

(c) Name of the pilot-in-command;

(d) Date and time of the accident;

(e) Last point of departure and point of intended landing of the aircraft;

(f) Position of the aircraft with reference to some easily defined geographical point;

(g) Number of persons aboard, number killed, and number seriously injured;

(h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and

(i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C—Preservation of Aircraft Wreckage, Mail, Cargo, and Records

§ 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including tapes of flight re-

orders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airman involved in an accident or incident for which notification must be given until the Board takes custody thereof or a release is granted pursuant to § 831.17.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

(1) To remove persons injured or trapped;

(2) To protect the wreckage from further damage; or

(3) To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the accident locale including original position and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident as defined in this part, shall retain all records and reports, including all internal documents and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

Subpart D—Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

§ 830.15 Reports and statements to be filed.

(a) **Reports.** The operator of an aircraft shall file a report as provided in paragraph (c) of this section on Board Form 8120.1 or Board Form 8120.2¹ within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which notification is required by § 830.5(a) shall be filed only as requested by an authorized representative of the Board.

(b) **Crewmember statement.** Each crewmember, if physically able at the time the report is submitted shall attach thereto a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him to the best of his knowledge and belief. If the crewmember is incapacitated, he shall submit the statement as soon as he is physically able.

(c) **Where to file the reports.** The operator of an aircraft shall file with the field office of the Board nearest the accident or incident any report required by this section.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

¹ Forms are obtainable from the Board field offices (see footnote 1), the National Transportation Safety Board, Washington, D.C. 20594, and the Federal Aviation Administration, Flight Standards District Office.

¹ The National Transportation Safety Board field offices are listed under U.S. Government in the telephone directories in the following cities: Anchorage, Alaska; Chicago, Ill.; Denver, Colo.; Fort Worth, Tex.; Kansas City, Mo.; Los Angeles, Calif.; Miami, Fla.; New York, N.Y.; Oakland, Calif.; Seattle, Wash.; Washington, D.C.

FEDERAL AVIATION REGULATIONS

Part I—Definitions and Abbreviations

Table 1. Contents

Sec.	
1.1	GENERAL DEFINITIONS.
1.2	ABBREVIATIONS AND SYMBOLS.
1.3	RULES OF CONSTRUCTION.



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"Pilots" means
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"Air traffic clearance" means an au-
thorization by air traffic control, for
the purpose of preventing collision be-
tween known aircraft, for an aircraft
to proceed under specified traffic con-
ditions within controlled airspace.

"Air traffic control" means a service
operated by appropriate authority to
promote the safe, orderly, and expedi-
tious flow of air traffic.

"Air transportation" means Inter-
state, overseas, or foreign air transpor-
tation or the transportation of mail by
aircraft.

"Alternate airport" means an airport
at which an aircraft may land if a
landing at the intended airport be-
comes inadvisable.

"Altitude engine" means a reciprocating
aircraft engine having a rated
takeoff power that is producible from
sea level to an established higher alti-
tude.

"Appliance" means any instrument,
mechanism, equipment, part, appara-
tus, appurtenance, or accessory, in-
cluding communications equipment,
that is used or intended to be used in
operating or controlling an aircraft in
flight, is installed in or attached to the
aircraft, and is not part of an air-
frame, engine, or propeller.

"Approved", unless used with refer-
ence to another person, means ap-
proved by the Administrator.

"Area navigation (RNAV)" means a
method of navigation that permits air-
craft operations on any desired course
within the coverage of station-refer-
enced navigation signals or within the
limits of self-contained system capabil-
ity.

"Area navigation low route" means
an area navigation route within the
airspace extending upward from 1,200
feet above the surface of the earth to,
but not including, 18,000 feet MSL.

"Area navigation high route" means
an area navigation route within the
airspace extending upward from, and
including, 18,000 feet MSL to flight
level 450.

"Armed Forces" means the Army,
Navy, Air Force, Marine Corps, and
Coast Guard, including their regular
and reserve components and members
serving without component status.

"Autorotation" means a rotorcraft
flight condition in which the lifting
rotor is driven entirely by action of
the air when the rotorcraft is in
motion.

"Auxiliary rotor" means a rotor that
serves either to counteract the effect
of the main rotor torque on a rotor-
craft or to maneuver the rotorcraft

about one or more of its three princi-
pal axes.

"Balloon" means a lighter-than-air
aircraft that is not engine driven.

"Brake horsepower" means the
power delivered at the propeller shaft
(main drive or main output) of an air-
craft engine.

"Calibrated airspeed" means the in-
dicated airspeed of an aircraft, correct-
ed for position and instrument error.
Calibrated airspeed is equal to true
airspeed in standard atmosphere at
sea level.

"Category":

(1) As used with respect to the certi-
fication, ratings, privileges, and limita-
tions of airmen, means a broad classifi-
cation of aircraft. Examples include:
airplane; rotorcraft; glider; and light-
er-than-air; and

(2) As used with respect to the certi-
fication of aircraft, means a grouping
of aircraft based upon intended use or
operating limitations. Examples in-
clude: transport, normal, utility, acro-
batic, limited, restricted, and provi-
sional.

"Category II operations", with re-
spect to the operation of aircraft,
means a straight-in ILS approach to
the runway of an airport under a Cat-
egory II ILS instrument approach pro-
cedure issued by the Administrator or
other appropriate authority.

"Category III operations", with respect
to the operation of aircraft, means an ILS
approach to, and landing on, the runway
of an airport using a Category III ILS in-
strument approach procedure issued by
the Administrator or other appropriate
authority.

"Ceiling" means the height above
the earth's surface of the lowest layer
of clouds or obscuring phenomena
that is reported as "broken", "over-
cast", or "obscuration", and not classi-
fied as "thin" or "partial".

"Civil aircraft" means aircraft other
than public aircraft.

"Class":

(1) As used with respect to the certi-
fication, ratings, privileges, and limita-
tions of airmen, means a classification
of aircraft within a category having
similar operating characteristics. Ex-
amples include: single engine; multi-
engine; land; water; gyroplane; helicop-
ter; airship; and free balloon; and

(2) As used with respect to the certi-
fication of aircraft, means a broad
grouping of aircraft having similar
characteristics of propulsion, flight, or
landing. Examples include: airplane;
rotorcraft; glider; balloon; landplane;
and seaplane.

"Prohibited area" means designated
airspace within which the flight of air-
craft is prohibited.

"Propeller" means a device for pro-
pelling an aircraft that has blades on
an engine-driven shaft and that, when
rotated, produces by its action on the
air, a thrust approximately perpen-
dicular to its plane of rotation. It in-
cludes control components normally
supplied by its manufacturer, but does
not include main and auxiliary rotors
or rotating airfoils of engines.

"Public aircraft" means aircraft used
only in the service of a government, or
a political subdivision. It does not in-
clude any government-owned aircraft
engaged in carrying persons or prop-
erty for commercial purposes.

"Rated maximum continuous aug-
mented thrust", with respect to turbo-
jet engine type certification, means
the approved jet thrust that is devel-
oped statically or in flight, in standard
atmosphere at a specified altitude,
with fluid injection or with the burn-
ing of fuel in a separate combustion
chamber, within the engine operating
limitations established under Part 33
of this chapter, and approved for un-
restricted periods of use.

"Rated maximum continuous
power", with respect to reciprocating,
turbo-propeller, and turboshaft en-
gines, means the approved brake
horsepower that is developed statically
or in flight, in standard atmosphere at
a specified altitude, within the engine
operating limitations established
under Part 33, and approved for un-
restricted periods of use.

"Rated maximum continuous
thrust", with respect to turbojet
engine type certification, means the
approved jet thrust that is developed
statically or in flight, in standard at-
mosphere at a specified altitude, with-
out fluid injection and without the
burning of fuel in a separate combus-
tion chamber, within the engine oper-
ating limitations established under
Part 33 of this chapter, and approved
for unrestricted periods of use.

"Rated takeoff augmented thrust",
with respect to turbojet engine type
certification, means the approved jet
thrust that is developed statically
under standard sea level conditions,
with fluid injection or with the burn-
ing of fuel in a separate combustion
chamber, within the engine operating
limitations established under Part 33
of this chapter, and limited in use to
periods of not over 5 minutes for
takeoff operation.

"Rated takeoff power", with respect
to reciprocating, turbo-propeller, and
turbo-shaft engine type certification,
means the approved brake horsepower
that is developed statically under
standard sea level conditions, within
the engine operating limitations estab-
lished under Part 33, and limited in
use to periods of not over 5 minutes
for takeoff operation.

"Rated takeoff thrust", with respect
to turbojet engine type certification,
means the approved jet thrust that is
developed statically under standard
sea level conditions, without fluid in-
jection and without the burning of
fuel in a separate combustion cham-

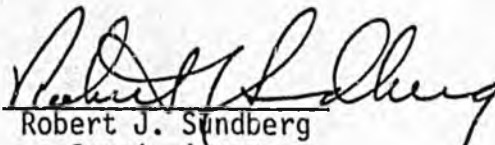
DEPARTMENT OF PUBLIC SAFETY
POSITION PAPER - PROPOSED CSHB 510 (TRSP)

Support

The Department of Public Safety supports passage of the CSHB 510 (TRSP) being proposed by the House Transportation Committee.

Currently there is no requirement for reporting state or municipally operated aircraft accidents. By enacting this legislation, the National Transportation Safety Board, at the Department's request, would investigate accidents involving state and local government operated aircraft.

By utilizing the experience and expertise provided by the NTSB in determining the cause of accidents and following up on their recommendations as to how to eliminate these causes, will be beneficial to the state by reducing the probability of aircraft accidents occurring in the future.


Robert J. Sundberg
Commissioner

02.15.120 — costs directly incurred and carrying the costs of architectural, property, site reconstruction machinery and the project; an expenses of the rest on bonds including any legal fees, fees and paying salary. (§ 19 ch

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Sec. 02.15.180. Financial assistance. The department may grant financial aid for aeronautical education or training to persons who receive educational or vocational assistance in the field of aeronautics under Public Law 550, 82nd Congress, upon the following terms and conditions.

(1) A person granted aid shall have been a legal resident of Alaska for at least one year immediately prior to his application for aid, and a resident of Alaska for not less than one year prior to his entry into the service.

(2) Education or training for which the aid is given shall be taken in the state in a school or program approved by the department.

(3) The amount of aid granted to any person may not exceed the total amount received by the person as assistance for aeronautical education or training under Public Law 550, 82nd Congress.

(4) No aid may be granted to a person until the assistance to which the person is entitled for aeronautical education or training under Public Law 550, 82nd Congress, has been exhausted by the person.

(5) The aid shall be granted under the same terms and conditions as the assistance under Public Law 550, 82nd Congress.

(6) The department may not expend more than \$25,000 a year from funds available to it to carry out the program of aid provided for by this section. (§ 11 B ch 123 SLA 1949; added by § 1 ch 128 SLA 1953)

Revisor's note. — Public Law 550, 82nd Congress, (Veteran's Readjustment Assistance Act of 1952, 66 Stat. 663, ch. 875, July 16, 1952) on which AS 02.15.180 relies was repealed by Public Law 85 — 857, September 2, 1958, 72 Stat. 1105, 1273. The current section of federal law covering veteran's education benefits derives from Public Law 550, 82nd Congress and may be found at Title 38 U.S.C. 1301—1669.

Article 6. General Provisions.

Section	Section
190. Information for public	250. Police powers vested
200. Public nature of department activities	240. Penalties
205. Approval required for airport construction	250. [Repealed]
210. No exclusive rights granted	260. Definitions
220. Enforcement of aeronautics laws	270. Short title

Sec. 02.15.190. Information for public. The department may collect, assemble and publish aeronautical data pertinent to the operation of aircraft within the state. This data is for the benefit of the aviation industry and the general public, and shall not duplicate data published by any other governmental agency. (§ 7 ch 123 SLA 1949)

Sec. 02.15.200. Public nature of department activities. The acquisition of lands or interests in land under this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any person or

August 1979

municipality, and the exercise of any other powers herein granted to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter are acquired and used for public and governmental purposes and as a matter of public necessity. (§ 8 A ch 123 SLA 1949)

Sec. 02.15.205. Approval required for airport construction. (a) No person may construct, reconstruct, relocate, or extend an airport, airstrip, or private air facility within two miles of a federal-aid highway or proposed federal-aid highway without first obtaining the written approval of the commissioner, as provided by regulation.

(b) The commissioner shall not approve the construction, reconstruction, relocation, or expansion of an airport, airstrip, or private air facility if the construction would constitute a hazard to the traveling public or if the construction would otherwise not be in the public interest.

(c) The commissioner shall promulgate rules and regulations, to effectuate the purpose of this section, which are consistent with standards established by participating federal agencies. (§ 1 ch 90 SLA 1966; am Executive Order No. 39, § 11 (1977)).

Sec. 02.15.210. No exclusive rights granted. The department may not grant an exclusive right for the use of an airway, airport, or air navigation facility under its jurisdiction. This section does not prevent the making of contracts, leases and other arrangements pursuant to AS 02.15.060 — 02.15.100 and 02.15.120. (§ 8 B ch 123 SLA 1949)

Sec. 02.15.220. Enforcement of aeronautics laws. (a) The department and its officers and employees, and every state and municipal officer charged with the enforcement of state and municipal laws, shall enforce and assist in the enforcement of this chapter and of all rules, regulations and orders issued under it and any other state regulations or laws pertaining to the operation of aircraft.

(b) Any person mentioned in (a) of this section may inspect and examine, at reasonable hours, any aircraft, premises, and the buildings and other structures thereon, where airports, air navigation facilities, air schools, or other aeronautical activities are operated or conducted. (§ 13 ch 123 SLA 1949)

Sec. 02.15.230. Police powers vested. (a) The commissioner and those officers and employees of the department who the commissioner may designate have general police powers in aid of the enforcement of this chapter, and the regulations and orders issued under it and all other laws of the state relating to aeronautics.

(b) Upon bilateral agreement, the commissioner may designate individuals licensed under AS 18.65.400 — 18.65.490 and police officers employed by the state or its political subdivisions to be present during

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the final passenger screening process before the boarding of each flight required to be in compliance with passenger screening regulations of the Federal Aviation Administration. Persons designated under this section, while performing their duties under that agreement, have the general police powers set out in (a) of this section. (§ 13 B ch 123 SLA 1949; am § 2 ch 6 SLA 1978)

Effect of amendment. — The 1978 for "department which" and deleted amendment designated the provisions of "rules" preceding "regulations and orders." The amendment also added this section as subsection (a), and in that subsection, substituted "department who" subsection (b).

Sec. 02.15.240. Penalties. (a) A person violating any of the provisions of this chapter, or any of the rules, regulations or orders made and issued under this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both.

(b) For a violation of any section of this chapter, in addition to or in lieu of the penalties provided by (a) of this section, or as a condition to the suspension of a sentence which may be imposed, the court may prohibit the violator from operating an aircraft within the state for a period it may determine but not more than one year. Violation of the prohibition of court may be treated as a separate offense under this section or as a contempt of court. Whenever a conviction is obtained, the prosecuting authority shall notify the department. (§ 12 ch 123 SLA 1949)

Sec. 02.15.250. Aeronautical fund.

Repealed by § 2 ch 14 SLA 1968.

Sec. 02.15.260. Definitions. In this chapter

(1) "aeronautics" means the science and art of flight including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or related ground subjects;

(2) "aircraft" means a contrivance used or designed for navigation of flight in the air;

(3) "airman" means an individual engaging as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances; and an individual serving in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in that connection;

or an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him in the state of Alaska:

(4) "air navigation facility" means a facility used, available, or designed for use in aid of air navigation, including structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities;

(5) "airport" means an area of land or water which is used or intended for use for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with airport buildings and facilities located thereon;

(6) "airport hazard" means a structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off;

(7) "civil aircraft" means any aircraft other than a public aircraft;

(8) "commissioner" means the commissioner of the Department of Transportation and Public Facilities of the state;

(9) "department" means the Department of Transportation and Public Facilities;

(10) "municipality" means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state;

(11) "operation of aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon an airport inside this state; "operate aircraft" means, to use, navigate or pilot aircraft in the airspace over this state or upon an airport inside this state;

(12) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government. (§ 1 ch 123 SLA 1949; am § 53 ch 127 SLA 1974; am Executive Order No. 39, § 11 (1977)).

Effect of amendment. — The 1978 amendment substituted references to the Department of Transportation and Public Facilities for references to the Department of Public Works in paragraphs (8) and (9).

Legislative history report. — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Sec. 02.15.270. Short title. This chapter may be cited as the Alaska Aeronautics Act of 1949. (§ 17 ch 123 SLA 1949)

Revisor's note. — The words "of 1949" were added by the revision to differentiate this act from "The Alaska Aeronautics Act of 1937" which is found in AS 02.10.

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§ 02.15.091

exclusive use of the carrier's aircraft, air service of a continuing nature for a definite and limited number of persons; a contract carrier's air service is designed to meet the distinct air transportation needs of the individual customer; a contract carrier does not represent to the public at large expressly or by course of conduct that it furnishes transportation for compensation, hire, or lease;

(9) "dormancy" means failure of a person who holds a certificate of authority as an air taxi operator or a contract carrier to own or lease and operate aircraft in air commerce during the two quarters preceding an accusation by the commission;

(10) "supplemental base of operations" means the point together with the reasonable contiguous or closely related surrounding community or geographical area, from where, in addition to its "base of operations," the carrier also represents that it engages in air commerce. (§ 3 ch 161 SLA 1960; am § 2 ch 139 SLA 1966; am § 5 ch 147 SLA 1966; am §§ 11, 12 ch 146 SLA 1972; am § 17 ch 115 SLA 1980)

Effect of amendments. — The 1980 and necessity" following "a certificate" in amendment deleted "of public convenience paragraph (8).

Chapter 15. Alaska Aeronautics Act of 1949.

Article

2. State Airports (§ 02.15.091)
3. Airport Assistance (§ 02.15.140)
5. Aeronautics Training (§ 02.15.180)
6. General Provisions (§§ 02.15.210, 02.15.260)

Article 2. State Airports.

Section

91. Sale and delivery of in-bond merchandise at international airports

Sec. 02.15.091. Sale and delivery of in-bond merchandise at international airports. (a) As provided by (b) and (c) of this section, the department shall allow the sale and delivery of in-bond merchandise at an international airport only by an exclusive contract.

(b) While the exclusive contracts for the sale and delivery of in-bond merchandise at international airports that exist on June 15, 1982 are in effect, the department may not permit or confer a right on any other person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(c) After the exclusive contracts existing on June 15, 1982 are no longer in effect, the department shall enter into one exclusive contract and, on its expiration, additional successive exclusive contracts for the sale and delivery of in-bond merchandise at each international airport. Except under the existing and future exclusive contracts described in this section, the department may not permit or confer a right upon any

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Editor's notes. — The repealed section
derived from § 11B, ch. 123, SLA 1949;
§ 1, ch. 128, SLA 1953.

Article 6. General Provisions.

Section

210. No exclusive rights granted
260. Definitions

Sec. 02.15.210. No exclusive rights granted. The department may not grant an exclusive right for the use of an airway, airport, or air navigation facility under its jurisdiction. This section does not prevent the making of contracts, leases and other arrangements under AS 02.15.060 — 02.15.100 and 02.15.120, including exclusive contracts for the sale and delivery of in-bond merchandise described in AS 02.15.091. (§ 8B ch 123 SLA 1949; am § 3 ch 111 SLA 1982)

Effect of amendments. — The 1982 amendment, effective June 15, 1982, in the second sentence, substituted "under" for "pursuant to" and added the language beginning "including exclusive contracts for the sale" to the end

Sec. 02.15.260. Definitions. In this chapter

(1) "aeronautics" means the science and art of flight including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or related ground subjects:

(2) "aircraft" means a contrivance used or designed for navigation of flight in the air;

(3) "airman" means an individual engaging as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances; and an individual serving in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in that connection; or an individual performing inspection or mechanical duties in connection with aircraft owned or operated by him in the state of Alaska;

(4) "air navigation facility" means a facility used, available, or designed for use in aid of air navigation, including structures, mechanisms, lights, beacons, markers communicating systems, or other

instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities;

(5) "airport" means an area of land or water which is used or intended for use for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with airport buildings and facilities located thereon;

(6) "airport hazard" means a structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off;

(7) "civil aircraft" means any aircraft other than a public aircraft;

(8) "commissioner" means the commissioner of the Department of Transportation and Public Facilities of the state;

(9) "department" means the Department of Transportation and Public Facilities;

(10) "municipality" means a home rule or general law municipal corporation and political subdivision, which is a first or second class borough or city, or a third class borough, incorporated under the laws of the state;

(11) "operation of aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon an airport inside this state; "operate aircraft" means, to use, navigate or pilot aircraft in the airspace over this state or upon an airport inside this state;

(12) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government;

(13) "cargo" means goods carried by an airline that are carried under an agreement between the shipper and the airline other than a passenger ticket, that are accepted, carried and handled separately from passenger baggage, and that are delivered to a location other than a baggage claim area; "cargo" does not include goods carried by an airline as baggage, whether belly-loaded or hand-carried and whether accompanied or unaccompanied by a passenger;

(14) "international airport" means an international airport owned and operated by the state. (§ 1 ch 123 SLA 1949; am § 53 ch 127 SLA 1974; am Executive Order No. 39, § 11 (1977); am § 4 ch 111 SLA 1982)

Effect of amendments. -- The 1982 amendment, effective June 15, 1982, added paragraphs (13) and (14).

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40. Penalties

Sec. 02.

Repealed

Editor's note
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National Transportation Safety Board

Bureau Field Operations
Anchorage Field Office
701 C Street, Box 11
Anchorage, Alaska 99513

March 1, 1984

Mark Hanley
% Terry Martin
Pouch V, Capitol Building
Juneau, Alaska 99811

Dear Mr. Hanley:

Pursuant to our telephone conversation you will find enclosed a list of the particular Federal Aviation Regulation Part Number and a brief description of each which does not apply to "public use" aircraft. Particular attention must be paid to Title 14 Code of Federal Regulations Part 1, which defines "civil aircraft" and "public aircraft".

The term "civil aircraft" is strategically used throughout the regulations which allows such aircraft to perform acts without repercussion from a federal viewpoint.

As you read through the brief descriptions you will realize the magnitude of the possible ramifications should these regulations be stretched to their ultimate definition.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Kobelnyk".

George Kobelnyk

encls

FAR Part Nos
Title 49, Part 830, 2 cys

FAR PART NUMBERS AND DESCRIPTIONS

- 61.3 Certificate requirements: A pilot certificate is not needed, nor an instrument rating; however, a medical certificate is required.
- 91.5 Para b,1. Preflight action - A public aircraft is not required to compute landing and takeoff distances.
Para b,2. Does not need other reliable information such as aircraft performance under expected values of airport elevation and runway slope, aircraft gross weight, and wind and temperature.
- 91.6 Category II and III Operations
Para a,1. Public aircraft does not need special authorizations to use category II or III operations.
- 91.7 Flight Crewmembers at Stations
Para b. Does not need to keep the shoulder harness fastened while at this duty station.
- 91.11 Liquor and Drugs
Para a. States civil aircraft which renders this entire part useless for public aircraft. A pilot of a public aircraft may drink and fly with less than the required eight hours; may fly while intoxicated; may fly under the influence of any drugs; be prescribed by a doctor or self prescribed, and may carry intoxicated passengers indiscriminately.
- 91.12 Carriage of narcotic drugs, marijuana, and depressants or stimulant drug substances.
Para a. A public aircraft can carry the above listed substances indiscriminately without violating the FARs.
- 91.13 Dropping Objects.
A public aircraft should they desire can drop objects so as to create a hazard to persons or property and not be in violation of the FARs.
- 91.14 Use of Safety Belts
Para a, 1. Pilot-in-command does not need to ensure that each passenger was briefed on how to fasten and unfasten the seatbelt.

Para a, 2. Does not need to notify the passengers to fasten their seatbelts.

Para a, 3. Does not need to ensure that each person occupies a seat, or berth with a seatbelt secured about them.

91.21 Flight Instruction - Simulated Instrument Flight and Certain Flight Test.

Para a. Under this part a public aircraft does not need dual flight controls for flight instruction.

91.23 Fuel Requirements For Flight in IFR Conditions.

Para a. Public aircraft do not need the required 45 IFR fuel reserve.

91.25 VOR Equipment Check for IFR Operations.

Para a. Public aircraft are not required to perform a VOR operational check within the preceding 30 days for a flight under IFR rules.

91.27 Civil Aircraft - Certifications Required For Public Aircraft None as the title of this Part implies.

91.29 Civil Aircraft Airworthiness

A public aircraft does not need to be in an airworthy condition as the title of this Part implies.

91.30 Inoperable Instrument And Equipment For Multi-engine Aircraft.

A public aircraft does not need an approved minimum equipment list.

91.31 Civil Aircraft Operating Limitations on Marking Requirements.

As the title implies, a public aircraft does not have to remain within the approved operating limitations or the marking requirements as outlined by the appropriate manuals.

91.32 Supplemental Oxygen

Under this part a public aircraft does not need oxygen.

91.33 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates; Instrument and Equipment Requirements.

This entire section, as the title implies, vindicates all public aircraft from its requirements. Remember that in a previous part of this regulation, public aircraft do not need an airworthiness certificate to begin with.

91.34 Category II Manual

91.51 Altitude Alerting System or Device; Turbo-jet Powered Civil Airplanes.

Again a public turbo-jet powered airplane need not comply.

91.52 Emergency Locator Transmitters

Para a. A public aircraft does not need to carry an emergency locator beacon.

All of the above parts are an interpretation of paragraphs using the term "civil aircraft" as defined in FAR Part 1, Title 14.