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ALASKA STATE SENATE



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Senator Ralph Seekins
District D

Senate Bill 345 Sponsor Statement

“An Act relating to civil liability associated with aircraft runways, airfields and landing areas.”

Senate Bill 345, and its companion House Bill 474, amends Alaska Statute 09.65.093 relating to civil liability associated with aircraft runways. The proposed legislation removes the qualifying term “natural” from language describing the type of person to whom the law applies.

The current statute dates back three years when Representative Harris shepherded through the 22nd Legislature a bill that, among other things, removed the threat of civil liability where the non-compensated performance of maintenance or repair activities to aircraft runways is concerned.

Additionally, Representative Harris' bill shielded owners or operators of runways located on private land from civil litigation related to aircraft accidents occurring on those runways clearly indicated as being closed to air traffic. The bill enjoyed strong bi-partisan support in both the House and the Senate.

Obviously flying is a popular avocation in Alaska. But it certainly is not without risk. The ability to safely put down on a remote strip may be crucial in an emergency situation. Alaska Statute 09.65.093 recognizes the important public interest served by restricting the civil liability attached to the operation or ownership of private runways throughout the state.

The proposed legislation holds that civil liability is barred as a remedy in cases involving aircraft accidents on certain runways which are maintained, repaired, owned or operated by a person, natural or otherwise. Civil liability continues to be available where gross negligence or reckless or intentional misconduct may be a cause for an aircraft accident on such a runway.

In summary, Senate Bill 345 seeks to revise the current statute through the removal of the single word “natural”. This will allow the same degree of protection to non-natural persons. It is sensible that the same public interest is served regardless of the type of entity associated with the runway.

23-LS1776D
Bullock
3/22/04

CS FOR SENATE BILL NO. 345()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability associated with aircraft runways, airfields, and landing
2 areas."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 09.65.093 is amended to read:

5 Sec. 09.65.093. Civil liability relating to aircraft runways, airfields, and
6 landing areas. (a) A [NATURAL] person who without compensation constructs,
7 maintains, or repairs an aircraft runway, airfield, or landing area may not be held
8 civilly liable, except for an act or omission that constitutes gross negligence or
9 recklessness or intentional misconduct, for the injury to or death of a person or for
10 damage to an aircraft, resulting from the use of the runway, airfield, or landing area to
11 take off, land, park, or operate an aircraft.

12 (b) A [NATURAL] person who is the owner or operator of an aircraft runway,
13 airfield, or landing area [THAT IS LOCATED ON PRIVATE LAND] is not civilly
14 liable, except for an act or omission that constitutes gross negligence or recklessness

1 or intentional misconduct, for the injury to or the death of a person or for damage to an
2 aircraft, resulting from the use or attempted use of the runway, airfield, or landing area
3 to take off, land, park, or operate an aircraft while the runway, airfield, or landing
4 area [IS]

5 (1) is marked as closed by placement of a large "X" on the runway, in
6 accordance with Federal Aviation Administration guidelines [THAT IS READILY
7 VISIBLE FROM THE AIR]; and

8 (2) if listed or charted, is designated as closed in the appropriate
9 aeronautical charts and publications published by the Federal Aviation Administration.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB345-DOT-CO-3-13-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
Title Civil Liability Associated with Airfields RDU Administration & Support
Component Commissioner's Office
Sponsor Seekins
Requester Senate Transportation Component No. 530

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nona Wilson Phone 465-6973
Division: Legislative Liaison Date/Time 3/13/04 4:36 PM
Approved by: John MacKinnon Date 3/13/2004
Agency: Deputy Commissioner



AIRCRAFT OWNERS AND PILOTS ASSOCIATION

March 4, 2004

Senator Ralph Seekins
State Capitol, Room 125
Juneau, AK 99801-1182

Dear Senator Seekins:

The Aircraft Owners and Pilots Association (AOPA) is a membership association consisting of over 400,000 pilots and aircraft owners nationwide, 4,600 of whom reside in the state of Alaska. AOPA is committed to ensuring the continued viability, growth, and development of aviation and airports in Alaska and the United States.

The Aircraft Owners and Pilots Association strongly supports Senate Bill 345, regarding civil liability relating to runways, airfields, and landing areas. This bill will help protect airport owner and operators that devote their time and resources to operate and maintain airstrips and landing areas in Alaska.

We anticipate that this bill will help protect the operation of these vital components of our transportation infrastructure.

On behalf of the 4,600 AOPA members in Alaska, thank you for sponsoring this bill.

Sincerely,

Tom George
Alaska Regional Representative

TOM GEORGE
ALASKA REGIONAL REPRESENTATIVE
PERSONAL ADDRESS: P.O. Box 83750 FAIRBANKS, AK 99708
907-388-9955 (PHONE) 907-455-9001 (FAX)
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March 24, 2004

Honorable Ralph Seekins
Alaska State Senate
Capitol Building
Juneau, AK 99801

RE: Senate Bill 345, Civil Liability Associated with Airfields

Dear Senator Seekins,

Thank you for the opportunity to comment on this bill. We support Senate Bill 345.

Over the past several years, many of our members have expressed concern that if they repaired or maintained an runway, airfield or other landing area, they could be potentially be held responsible if some other party was to have an accident while using the area. One miner was even warned by his insurance carrier that this could possibly be the case. This could happen even if the miner had built a landing area for his personal use associated with his mining operation.

This bill, with the changes being proposed, will answer our concerns. It does not change the liability if there is gross negligence or recklessness or intentional misconduct but the bill makes it clear that a person acting in good faith will not be liable. The change being proposed also make the State law conform with the Federal Aviation Administration rules for marking and closing an airfield. These are all important changes.

Thank you for the opportunity to comment on this bill. We urge that this bill become law at the earliest possible date.

Sincerely,

Steven C. Borell, P.E.
Executive Director



Montana and the Sky

MDT - Department of Transportation

Aeronautics Division

Vol. 54 No. 8 August 2003

Rock Creek Airport Re-Opens

By: Jim Greil, Chief, Airports/Airways Bureau

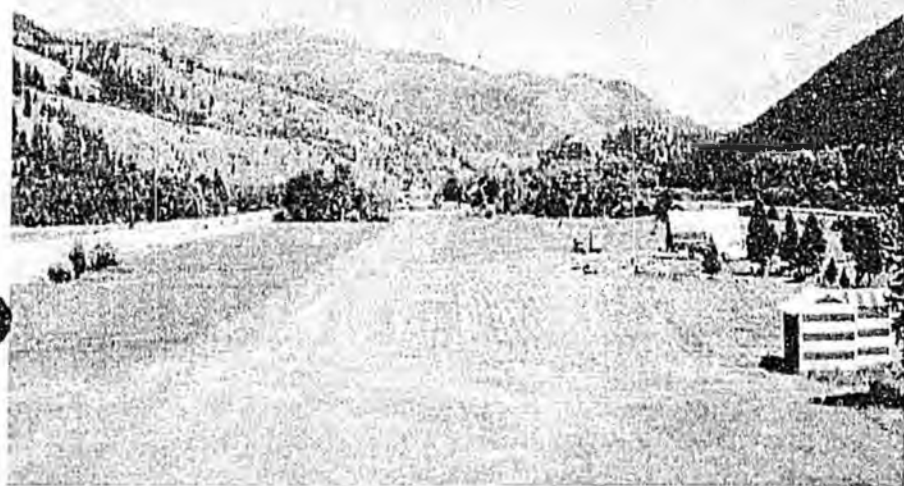
For all of you who always wondered just what happened to that great little landing strip just outside of Clinton, MT, located at the junction of the Rock Creek and Clark Fork Rivers, The Montana Aeronautics Division is proud to announce the reopening of the Rock Creek Airstrip.

The Rock Creek airstrip, also formally known as Elliott field, was built several years ago through a joint venture of the then Montana Aeronautics Commission and several local public and private landowners. The airstrip is located just East of the Rock Creek exit on Interstate 90, about 5 miles East of Clinton Montana. Actually, the airstrip was built just prior to the construction of the interstate, and a few years after construction, the airstrip had to be moved in order to accommodate the interstate construction and the adjoining Rock Creek exit. After many years of lease agreements with various owners of a large portion of privately owned land on which much of the runway was situated, the land was purchased by Mr. Gary Lundberg. Gary tried with the support of the Montana Aeronautics Division to develop an airpark with the runway similar to many others where individuals could purchase lots to accommodate hangar homes and enjoy this unique airstrip, however, much of the effort was denied by the Missoula County commissioners who felt for some reason that the airstrip might be a threat to the local wildlife and nearby residences. This move by the Missoula County commissioners effectively stopped

the airpark plans. As a direct result of this, Gary was forced to re-evaluate his options for the airstrip and look for alternate ideas for his property and in the end, the airstrip was closed to the general public and the Aeronautics Division withdrew from the operation.

A few years later, the idea of reopening the airstrip was brought forth once again by Gary and some other interested pilots within the local community which sought refuge from the hassles associated with flying small general aviation aircraft out of the Missoula airport. Of course, the Montana Aeronautics Division welcomed the chance to see the Rock Creek airport reopened and after a long period of initial logistics, leases, engineering, right of way issues and some other minor problems were sorted out, the big day finally came on July 14, when Mike Rogan and myself met at the airport with representatives from the Missoula Department of Transportation, Gary Lundberg and Bob Brunson in order to "re-open" the airport by surveying, mowing and coning the new runway.

The airstrip is now open once again, although it's total length has been shortened slightly to 3600' due to a still unresolved lease for the farthest East end with the Bureau of Land Management, however, we hope to have a full 4000' runway in the near future. Many thanks are in order to Mr. Gary Lundberg for his renewed interest in seeing the airport open to the flying public. Thanks also to Mr. Bob Brunson of East Missoula. Bob has been a firecracker of support for this project and was the catalyst in bringing all of the parties together to get this accomplished.



See page 7 of the Newsletter for a Directory Page of the Rock Creek Airport.

Administrator's Column

Senator Burns and Congressman Rehberg appointed to FAA committee: Montana's Congressman Denny Rehberg and Senator Conrad Burns will both sit on a joint House-Senate conference committee to oversee the reauthorization of important programs related to the FAA that impact Montana transportation and commerce. Both representatives look forward to working together to make sure Montana's interests are protected and the important programs such as EAS and AIP are maintained. Montana is very fortunate and proud to have these gentlemen play such a key role in looking out for Montana aviation interests. †

Small airport service losses continue: Demand for air travel remains weak, regional jets and low-cost airlines continue to grow and smaller airports show the biggest losses in service according to a recent report issued by DOT Inspector General Kenneth Mead. Even larger airports recorded traffic losses in June 2003, compared with June 2000. Montana continues to enjoy excellent air service and is fairing very well compared to the information contained in this "doom and gloom" report. Through June 2003, Montana carried just 1.9% less passengers compared to June 2002. Fourteen airports report statistics for passengers on and off each month to the Aeronautics Division for compilation. Of these 14 airports, eight airports are proudly reporting increases over 2002 traffic with six airports slightly below last years numbers. Thanks to the airports for providing the facilities to attract and retain the airline companies and to all who support these efforts. †

Support for AOPA Airport Watch Program: Senior U.S. Senator Fritz Hollings has offered praise and funds for AOPA's Airport Watch program and its toll-free security hotline. Sen. Hollings successfully offered an amendment directing the Department of Homeland Security to continue funding the 1-866-GA-SECURE hotline to report suspicious activities at an airport. Sen. Hollings said, "Airport Watch is a common-sense and effective approach

to securing our nation's general aviation airports. AOPA and TSA have got it right on this one." Airport Watch is modeled after the popular neighborhood watch program and asks general aviation pilots and others on GA airports to watch for and report any possible criminal or terrorist activity. †

Airmen Email Address Registry: The FAA Airmen Certification Branch has developed a system for on-line services whereby airmen may register an email address and setup an on-line account for communicating with Airmen Records in Oklahoma City. The first feature that this service provides is the ability to change a permanent address on-line. Additional features and functionality are currently being developed. To learn more, visit <http://registry.faa.gov/amsvcs.asp>. †

Contract let to demolish Meigs Field: A \$1.5 million contract for the final destruction of Meigs Field to tear up the runway and remove electrical infrastructure could see work beginning within 30 days. AOPA will continue to pursue its formal FAA complaint against the city for improperly closing the airport. A Chicago City alderman has called for public hearings to question Mayor Daley's secret midnight destruction of the airfield. Alderman Joe Moore has suggested the city reconsider a plan proposed by AOPA that would have the city buy the airport from the park district using federal funds. Moore is not likely to get the hearings. Many organizations have partnered in the fight and supporters have tried everything from public, legislative, and congressional pressure to lawsuits to get Mayor Daley to see reason. How the mayor closed the airport may have been illegal, but the courts so far have affirmed that he had the legal right to do so. †



Montana and the Sky
Department of Transportation
Judy Martz, Governor
David A. Galt, Director

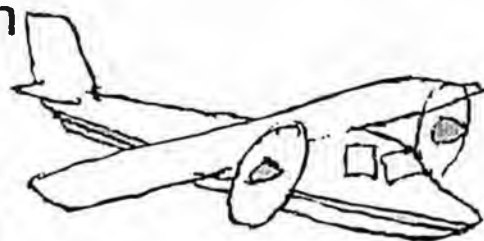
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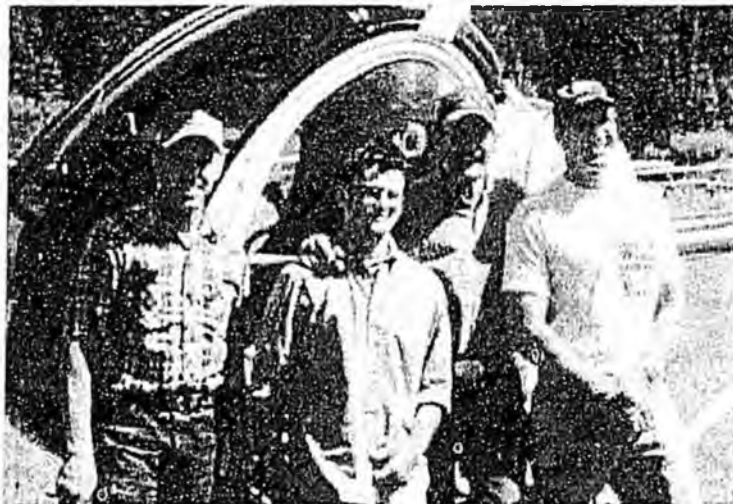
Schafer Meadows Work Session Another Big Success!



Pictured are (l-r) Deb Mucklow & Al Koss, USFS; Loren Smith, Prairie Kraft Specialties, Great Falls & Debbie Alke. Loren outdoes himself each year by providing a great meal for the volunteers on Saturday night and this year was no exception, thanks again Loren! Al Koss announced that he will be transferring with USFS to another area; we will miss him and appreciate his assistance throughout the years.



Lanny Hanson, Aeronautics Board member from Glasgow; Bob Brown, Secretary of State; and Joe Roberts and Jeff Morrison of Helena took some time out after a busy day to relax in the shade – with the sweltering temperatures we've been having shade has become a valuable commodity.



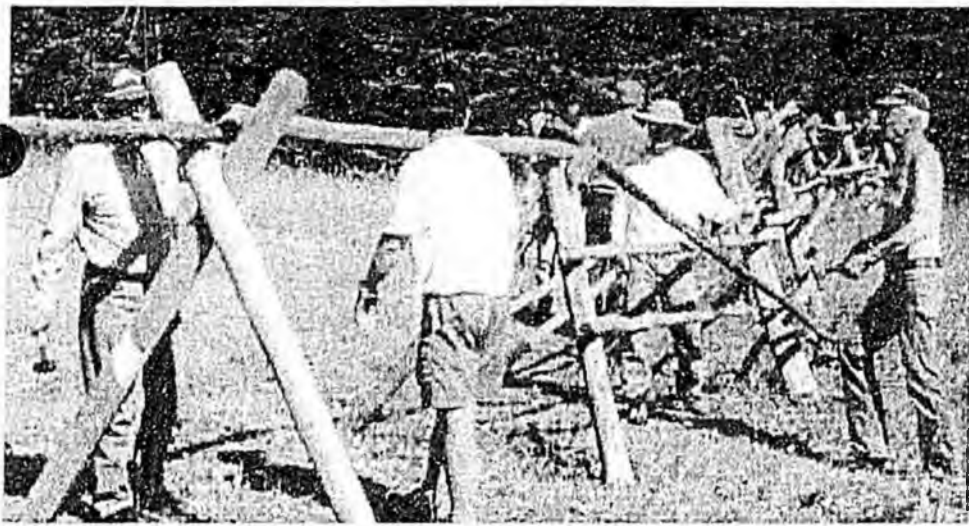
A Schweizer 269C Helicopter flew into the work session and behind the controls was Representative Denny Rehberg along with his instructor Kent Potter of Laurel. Pictured are Kent, Denny's son A.J., Denny and John Giacometto of Stevensville. We certainly appreciate all of the assistance we receive from Representative Rehberg and thank him for his outstanding support.



Wade Cebulski of Seeley Lake and Guy Willson of Moore hung new windsocks during the work session. Windsocks are a very important reference for pilots when flying into these backcountry strips.



We are always happy to see our international visitor Bram Tilroe of Leduc Alberta Canada show up to lend a helping hand; he and Bill Gallea of Helena take time out for a much needed water break.



These hardworking fencing volunteers did a first-rate repair job!!

Volunteers gathered at Schafer to repair fence, pick up rocks, fill gopher holes, replace the windsocks and clear brush on the airfield. The Schafer airstrip is maintained through a cooperative effort between the US Forest Service and the Montana Aeronautics Division. The Division coordinates with the Montana Pilots Association and the US Forest Service to organize this annual volunteer work session.



The runway maintenance crew had quite a job ahead of them 3,200' to be exact!



Chuck Manning, Aeronautics Board Member, Kalispell and Secretary of State Bob Brown are just the kind of volunteers you like to see, always a smile no matter how big the task.



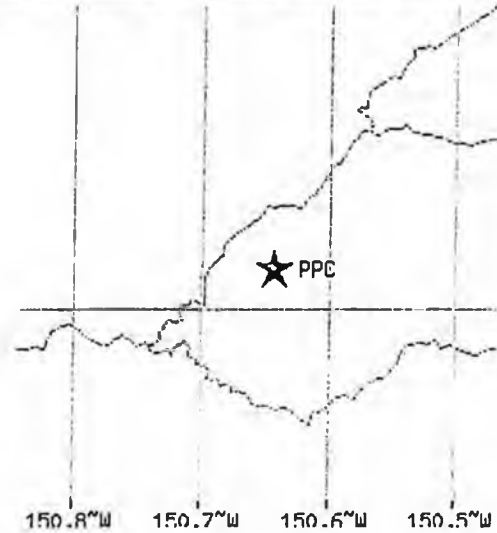
After a hard day's work volunteers finally get a chance to kick back and visit with friends old and new. Thank you to all of the people that work so hard to make this backcountry strip a safe place for pilots to enjoy, you couldn't ask for more beautiful surroundings.



Dog Days of Summer

General Info.	Services & Facilities	Based Aircraft & Operations	Runway Info.	Remarks
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CBD to Airport(NM): 03 NE
 County: UPPER YUKON
 REG/ADO: AAL NONE
 SECT AERO CHT: FAIRBANKS
 Ownership: PUBLIC
 Owner: STATE OF AK DOTPF
 Address: 2301 PEGER RD
 FAIRBANKS, AK 99701
 Phone No: 907-451-2200
 Manager: ALYESKA PIPELINE CO
 Address: 1835 S BRAGAW ST, MILTON CROS
 FAIRBANKS, AK 99701
 Phone No.: 907-4512207
 Attendance UNATNDD
 Schedule:
 Airport Use: PUBLIC
 Airport Lat: 66-48-46.373N ESTIMATED
 Airport Long: 150-38-37.653W
 Airport Elev.: 1099 SURVEYED
 Acreage: 0
 Right Traffic: NO
 Non-Comm Landing NO
 Fee:
 NASP/Federal N
 Agreement:
 FAR 139 Index: LU 12/1974



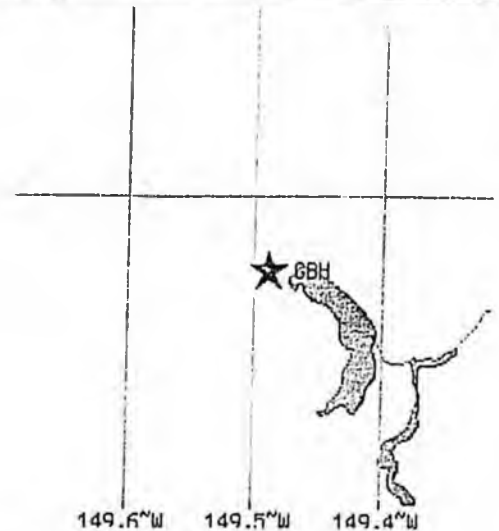
Airport Name: PROSPECT CREEK
 FAA Site Number: 50620.2*A
 Data Effective Date: 02/19/2004

Associated City: PROSPECT CREEK
 Location Identifier: PPC
 provided by g.c.r. & associates, inc.



General Info.	Services & Facilities	Based Aircraft & Operations	Runway Info.	Remarks
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CBD to Airport(NM): 02 N
 County: NOME
 REG/ADO: AAL NONE
 SECT AERO CHT: POINT BARROW
 Ownership: PUBLIC
 Owner: STATE OF ALASKA DOTPF
 Address: 2301 PEGER RD
 FAIRBANKS, AK 99701
 Phone No: 907-451-2207
 Manager: MILTON CROSS
 Address: FAIRBANKS, AK 99507
 Phone No.: 907-451-2207
 Attendance UNATNDD
 Schedule:
 Airport Use: PUBLIC
 Airport Lat: 68-28-44.627N ESTIMATED
 Airport Long: 149-29-24.077W
 Airport Elev.: 2670 ESTIMATED
 Acreage: 0
 Right Traffic: NO
 Non-Comm Landing NO
 Fee:
 NASP/Federal N
 Agreement:
 FAR 139 Index: LU 12/1974



g.c.r. & associates, inc. 2000

Page 1 of 1

Airport Name: GALBRAITH LAKE
 FAA Site Number: 50257.5*A
 Data Effective Date: 02/19/2004

Associated City: GALBRAITH LAKE
 Location Identifier: GBH
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