

FEDERAL AVIATION AGENCY
WASHINGTON 25, D.C.

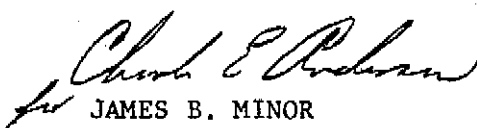
September 10, 1962

FEDERAL AVIATION REGULATIONS DRAFT RELEASE NO. 62-41

SUBJECT: Subchapter I - Part 161 - Federal Airports In Alaska [New]

The Federal Aviation Agency has under consideration in the recodification of its regulatory material a proposed Part 161 [New] "Federal Airports In Alaska" as set forth in the attached notice as published in the Federal Register.

Copies of the notice are being circulated to afford all interested persons an opportunity to submit comments. Due to the large number of comments we anticipate receiving, we will be unable to acknowledge receipt of each reply. You may be assured, however, that all comments will receive careful consideration. It should be noted that comments must be submitted by November 9, 1962, in duplicate, to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue, N. W., Washington 25, D.C.


for JAMES B. MINOR
Associate General Counsel,
Regulations and Codification

Attachment

FEDERAL AVIATION AGENCY

[14 CFR Parts 161 (New), 574]

[Reg. Docket No. 1380; Draft Release No. 62-41]

FEDERAL AIRPORTS IN ALASKA [NEW]

Notice of Proposed Rule Making

Notice is hereby given that there is under consideration a proposal to amend Chapter I of Title 14 of the Code of Federal Regulations by adding a Part 161 [New].

Interested persons are invited to submit such written data, views, or comments as they may desire. Communications should be submitted to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received before November 9, 1962, will be considered before taking action on the proposal. The proposal may be changed in the light of comments received. All written comments submitted will be available for examination by interested persons, both during and after the comment period, in the Docket Section. Copies of all comments received may be examined at the Regional Office of the Federal Aviation Agency, Hill Building, Area 8K, 632 Sixth Avenue, Anchorage, Alaska.

Under section 10 of the International Aviation Facilities Act (49 U.S.C. 1158) the Administrator of the FAA is authorized to make just and reasonable charges for aeronautical services at certain airports, including United States owned airports in Alaska. At the present time, however, no charge is made for the use of the airports in Alaska operated by the FAA, other than landing and parking fees at the Federal Civil Airport at Cold Bay, an alternate international terminal. Due to the increased activity at many of the airports operated in Alaska by the FAA and the increase in the cost of operating and maintaining the facilities, it is considered necessary to adopt a new part establishing general rules and landing and parking charges for all airports in Alaska which are owned by the United States and are operated and maintained by the FAA.

The Bureau of the Budget, acting in behalf of the President, issued Circular No. A-25 on September 23, 1959. That circular sets forth general policies for developing an equitable and uniform system of charges for certain Government services and property. It provides that a reasonable charge be made for any Federal activity which conveys special benefits to the recipient above and beyond those which accrue to the public at large, and that this charge should cover the total cost of the service, unless payment of the full costs would not be in the interest of the program. The charges

provided for in this part are in accord with Circular No. A-25.

In arriving at these charges the Agency took into consideration the cost to the United States of maintaining airports throughout Alaska, the reasonableness of the charge in relation to the benefit derived, and whether the imposition of a landing and parking fee was in the interest of developing and maintaining a sound civil aviation program. After considering these factors, it has been determined that, although it would not be feasible to pass the total costs of maintaining these facilities on to the users, the charges proposed should represent a satisfactory balance between the costs of maintaining the facilities and the aircraft operators' ability to pay.

With certain exceptions, a landing charge of 30 cents per 1,000 pounds will be charged at Cold Bay Airport and 25 cents at all other airports for each aircraft of more than 6,000 pounds maximum certificated takeoff weight, and a parking charge will be made for all aircraft utilizing airport property, the amount depending upon the weight of the airplane. These charges are considered to be within the ability of civil aviation to pay, although they will only partially compensate for the cost to the United States of maintaining and operating the airports involved. Based on the ability of civil aviation to pay full charges, the level of charges may be revised at a later date to recover a larger portion of the total costs of maintaining and operating these airports.

In addition to providing for user charges, this amendment provides certain general motor vehicle, safety, and enforcement provisions applicable to the airports and for which there is no adequate provision in other applicable State or Federal laws or regulations. At the present time, the airports are operating under administratively prescribed rules without uniformity. The rules set forth in the new part will simplify administration of the airports and avoid future confusion and inconsistencies.

In order to avoid its issuance, and then immediate reissuance in a recodified form, this amendment is issued as a part of the program of the Federal Aviation Agency to recodify its regulatory material. In the FEDERAL REGISTER for August 9, 1962 (27 F.R. 7908), this Agency published a notice of proposed rule making for a proposed Subchapter I—Airports [New], in Chapter I of Title 14. There was included in the subchapter a proposed Part 161 [New] that prescribed landing and parking charges at the Cold Bay, Alaska, Airport. However, in view of the necessity for prescribing a regulation setting forth basic rules and regulations, and covering charges, for all United States airports in Alaska, this proposal replaces the proposed Part 161 [New] that was published as a part of the proposed Subchapter I

and repeals current Part 574 of the regulations of the Administrator. The remainder of the new Subchapter I—Airports [New] is not affected by this notice.

The definitions in Part 1—Definitions and Abbreviations [New] apply to the new Part 161.

This amendment is proposed under the authority of section 10 of the International Aviation Facilities Act (49 U.S.C. 1158) and section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)).

Issued in Washington, D.C., on September 10, 1962.

HAROLD W. GRANT,
Acting Administrator.

PART 161—FEDERAL AIRPORTS IN ALASKA [NEW]

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Subpart A—General

§ 161.1 Applicability.

(a) This part prescribes the rules governing the use of airports in Alaska that are owned by the United States and operated by the Federal Aviation Agency (in this part referred to as the "Airport").

(b) The Airport or Station Manager (in this part referred to as the "Manager") of any airport covered by this part may, subject to the approval of the Assistant Administrator, Alaskan Region, FAA, issue such orders and instructions as are necessary for administering this part.

§ 161.3 Loading, unloading, and parking of aircraft.

No person may load, unload, or park an aircraft in any area on an airport other than that prescribed by the Man-

ager or that prescribed in a contract between the United States and the person concerned. The Manager may, without liability for any damages resulting to the aircraft from the removal, move any aircraft that is parked in violation of this section.

§ 161.5 Disabled aircraft.

The owner of an aircraft or part thereof that is disabled on an airport shall have it promptly moved from any area in which it would impede the operation of other aircraft, unless he is required to delay it pending investigation of an accident. If the owner does not remove it within a reasonable time, the Manager may remove it at the owners expense and without liability for additional damages resulting from the removal.

§ 161.7 Taxing rules.

(a) Each person who taxis an aircraft on an airport must do so in accordance with taxing patterns prescribed, for the particular runway in use.

(b) No person may run an engine of an aircraft parked on an airport in a manner that damages any other aircraft or property, or that blows paper, dust, or other material across a taxiway or runway.

(c) No person may move an aircraft on an airport in a careless or reckless manner.

(d) No person may start or run an engine in an aircraft on an airport unless there is a competent person in the aircraft at its controls, and unless blocks have been placed in front of the wheels, or the aircraft has adequate parking brakes.

§ 161.9 Sanitation.

No person may dispose of sewage, garbage, refuse, paper, or other material on an airport except in a receptacle provided for that purpose.

§ 161.11 Weapons and explosive materials.

No person except an employee of a municipal or State government, an air carrier, or of the United States, who is authorized to carry firearms, may carry or possess any loaded weapon or concealed firearm, or any explosive or inflammable material, on any airport unless he has the permission of the Manager.

Subpart B—Fire Hazards and Fueling Operations

§ 161.21 Open-flame operations.

No person may conduct an open-flame operation on an airport without the specific permission of the Manager.

§ 161.23 Storage.

(a) No person may store or stock material or equipment on an airport in a manner that constitutes a fire hazard.

(b) No person may keep or store any flammable liquid or other similar material on the airport except in a room or area approved for that storage by the Manager.

§ 161.25 Smoking.

No person may smoke on the apron of an airport, in any hangar or shop

on an airport, or in any other place on an airport where smoking is specifically prohibited by the Manager.

§ 161.27 Fueling operations.

(a) No person may fuel or defuel an aircraft on an airport while—

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space; or

(3) It is within 50 feet of any hangar or other building on the airport.

(b) No person may smoke, light a match, or use a flame or spark producing object within 100 feet of an aircraft that is being fueled or defueled on an airport.

(c) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on an airport, while it is being fueled or defueled.

(d) During the fueling of an aircraft, on an airport, the dispensing apparatus and the aircraft must both be grounded to a point of zero electrical potential.

(e) Each person engaged in fueling or defueling, on an airport, shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

(f) During the fueling or defueling of an aircraft, on an airport, no person may use any material that is likely to cause a spark or be a source of ignition, or start the engine if there is any gasoline on the ground underneath it.

(h) Each hose, funnel, or apparatus used in fueling or defueling an aircraft on an airport must be maintained in a safe, sound, and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.

Subpart C—Motor Vehicle Rules

§ 161.31 General.

(a) Pursuant to section 13 of Title 18, United States Code, except as otherwise provided in this part, the laws of the State of Alaska relating to the operation of motor vehicles on the public highways thereof, apply to the operation of motor vehicles on an airport.

(b) Except under special directions by an authorized employee of the airport, each person who operates a motor vehicle on an airport shall operate it under the general rules prescribed by the Manager, this part, and applicable laws.

§ 161.33 Motorized equipment.

No person may operate a motor vehicle on the landing areas, aprons, or ramps of an airport except in accordance with the rules prescribed by the Manager or applicable laws regulating the operation of such a vehicle.

§ 161.35 Parking.

(a) No person may park a motor vehicle on an airport except in an area specifically designated for parking and in a manner prescribed by the Manager.

(b) No person may abandon a motor vehicle on an airport, or park a motor vehicle on it for a period longer than 72 hours without the specific approval of the Manager.

§ 161.37 Buses.

No person operating a motor bus for hire may load or unload passengers at

an airport at a place other than that designated by the Manager.

§ 161.39 Moving of vehicles.

The Manager may tow away or otherwise move any motor vehicle on an airport if it is parked in violation of the regulations of the airport and the Manager determines that it is a nuisance or hazard. The Manager may charge the owner or operator of the vehicle a reasonable amount for the moving service.

Subpart D—Charges

§ 161.41 Landing charges.

(a) Except as provided in paragraphs (b) and (c) of this section, the charge for each landing of an aircraft at an airport is 25 cents for each 1,000 pounds of its maximum certificated takeoff weight (rounded to the nearest 1,000). The minimum charge is \$1.00.

(b) At the Cold Bay, Alaska, Airport the charge for each landing is 30 cents for each 1,000 pounds of maximum certificated takeoff weight.

(c) There is no landing charge for—

(1) Public aircraft;

(2) An aircraft engaged in a test flight, not including a survey or proving run;

(3) An aircraft compelled to return after takeoff; or

(4) An aircraft, operated for personal use without remuneration, whose maximum certificated takeoff weight is 6,000 pounds or less.

§ 161.43 Parking charges.

(a) The charge for parking an aircraft of 6,000 pounds maximum certificated takeoff weight, or less, at an airport is as follows:

Period of time:	Charge
Each day, or fraction thereof.....	\$1.00
Each week.....	3.00
Each month.....	6.00

(b) The charge for parking an aircraft of more than 6,000 pounds maximum certificated takeoff weight, at an airport to which this part applies, is as follows:

Period of time:	Charge for each 1,000 pounds (rounded to the nearest 1,000)
Each day, or fraction thereof.....	\$0.10
Each week.....	0.50
Each month.....	1.60

¹ Minimum charge \$1.00.

(c) Charges for the parking of aircraft under this section begin six hours after the aircraft lands at the Airport.

§ 161.45 Charges for aircraft based at an airport.

The Assistant Administrator of the FAA Alaskan Region may fix such fair and reasonable landing and parking charges for aircraft based at an airport as he considers necessary, without regard to §§ 161.41 and 161.43.

§ 161.47 Payment of charges.

(a) Each person who uses facilities at an airport and each person to whom storage, repairs, supplies, or other services, are furnished by the FAA at an airport, shall, before leaving the airport, pay the applicable charges to the Manager concerned. The user shall pay the

charges in cash, unless he has arranged with the Assistant Administrator of the FAA Alaskan Region, or the Manager concerned, to pay the charges in some other manner.

(b) The pilot of each aircraft whose owner or lessee does not have a contract with the FAA for the aircraft to use an airport shall, immediately upon arriving at that airport, register at the airport office.

Subpart E—Enforcement

§ 161.51 Penalties.

(a) Each person who willfully and knowingly violates a rule prescribed in this part, or an order or instruction issued under this part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500, or imprisoned for not more than six months, or both.

(b) In addition to the penalties prescribed in paragraph (a) of this section, the Manager concerned may have any person removed or ejected from the airport, if that person willfully and knowingly violates a rule prescribed in this part, an order or instruction issued under this part, or any applicable State or Federal law.

[P.R. Doc. 62-9160; Filed, Sept. 12, 1962; 8:50 a.m.]