

Rolan Ruoss' Draft Proposal #1

Proposal to amend 12 AAC 75.450 Transporter Contract Requirements to exempt Part 135 air taxis from the contract requirement.

Proposed change:

Amend 12 AAC 75.450 Transporter Contract Requirements by adding the following:

- (d) A transporter is exempt from the requirement to complete a contract if
- 1) the transporter is an on-demand Part 135 air taxi, and
 - 2) the transporter does not charge more than the usual tariff or charter rate for transporting big game hunters, and
 - 3) the transport to the field originates in a community where the transporter has a permanent business office (staffed at least 6 months per year), and
 - 4) the transporter posts at the location where the transport originates a notice to the public that includes the following statement: "A big game transporter may provide transportation services only, and may not accompany or remain in the field with a big game hunter, or provide big game guide services in the field, or provide fuel, vehicles, or equipment to big game hunters in the field. It is the hunter's responsibility to salvage all meat and follow all hunting regulations."

Who is likely to benefit? The fixed-base on-demand air taxis who provide charter services to a variety of clients including big game hunters, for which services those air taxis do not and would not write contracts with clients as a normal business practice. A transporter that chooses to write contracts with its clients is free to do so, but will not be required to. Clients of transporters who charge more than the usual tariff or charter rate for the transport of big game hunters will still be protected by the contract requirement of 12 AAC 75.450, as amended.

Who is likely to suffer? No one. Supporters of the current contract requirement explain that written contracts protect clients against failure to provide agreed services by itinerant "gypsy" air taxis who operate temporarily out of bush communities. Itinerant air taxis who do not operate from a fixed base will still be required to write contracts. Established fixed-base on-demand air taxis are not creating the problem that the current regulation is intended to address.

What will happen if nothing is done? Fixed-base on-demand air taxis and their charter clients will continue to be unnecessarily burdened by a regulation that provides little practical benefit.

Discussion: The current regulation requires a transporter to deliver a written contract to the client within 90 days of receiving a deposit or as soon as possible before transporting. The contract must include: names, signatures type of game, price, weight limits, refund policy, communication method while in the field, a statement that the services are transportation only and that the Transporter may

not provide guiding services or equipment in the field, and a statement that the client is responsible for salvage of meat. Transporter must keep contract copies for 4 years.

Fixed base Part 135 air taxis have transported hunters for decades without written contracts, a successful business practice with very few complaints. The transporter contract requirement of AAC 75.450 is widely ignored and not enforced because it is impractical and unnecessary - a clear example of a solution for a problem that doesn't exist. If there is a problem that this regulation is intended to address, it is not being caused by fixed base operators. Fixed base air taxis are visible established businesses who are motivated to provide quality service in order to maintain a positive reputation or risk losing future customers. They are mostly small to medium sized operations that don't have the staff or time to generate more needless paperwork. If there is a proven service advantage in written contracts, the most successful operators in the industry will adopt them. If and when contracts become a standard in the industry, then it would be appropriate for regulation to require them.