

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 761—Chapter 720
“Iowa Airport Registration”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 328.12 and 328.19 and 2016 Iowa Acts, chapter 1131, section 3

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 17A; Iowa Code sections 328.1, 328.12, 328.19, and 328.35; and 2016 Iowa Acts, chapter 1131, section 3

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

September 24, 2024
10 to 10:30 a.m.

[Microsoft Teams Link](#)
Or dial: 515.817.6093
Conference ID: 577 170 7

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis. Written or oral comments in response to this Regulatory Analysis must be received by the Department of Transportation no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Tim McClung, Aviation Director
Iowa DOT Modal Transportation Bureau
800 Lincoln Way
Ames, Iowa 50010
Phone: 515.239.1689
Email: tim.mcclung@iowadot.us

Purpose and Summary

Iowa Code section 328.19 requires airports open for use by the public to register and meet minimum safety standards promulgated by the Department. This proposed chapter promulgates airport registration rules and minimum safety standards. It also identifies airport closing requirements to ensure public safety and addresses repayment of financial assistance as required by previous legislation.

Analysis of Impact

1. Persons affected by the proposed rulemaking:
 - Classes of persons that will bear the costs of the proposed rulemaking:
Owners and operators of airports making application to the Department for airport registration to make an airport open for public use (without prior approval) will bear the costs.
 - Classes of persons that will benefit from the proposed rulemaking:
The public, including pilots, aircraft passengers, and all entities relying on a safe and operational air transportation system, will benefit.
2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:
 - Quantitative description of impact:

Following initial inspection and airport registration certification, airports will subsequently be inspected no less than every three years. Minimum safety standards focus on runways, approach zones, obstacle-free areas, and other airport facility requirements. There are typically 30 to 40 airports inspected every year that are provided a report with deficiencies and needed corrective actions that must be taken to maintain airport registration and safety of the public.

- Qualitative description of impact:

Airport registration allows airport owners and operators to keep airports open to the public for use without permission. Inspections provide clear safety benefits to pilots and the traveling public by ensuring airport facilities are maintained to minimum safety standards. Airports are typically very responsive to inspection discrepancies to meet safety requirements and maintain standards.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

The Department has a dedicated airport inspector whose primary duty is to inspect public-use airports throughout Iowa for safety deficiencies. Sometimes, costs of mitigating developing safety issues are funded through grants from the Department's State Aviation Program that are usually paid from the State Aviation Fund with user-generated revenues from aircraft registration fees and aviation fuel taxes. Grants are only available to public-owned airports.

- Anticipated effect on state revenues:

Airports are ultimately required to maintain facilities to minimum safety standards. The annual State Aviation Program can be used as a potential funding resource for safety-related enhancements at public-owned airports. Safety projects score high in the program and spending on safety-related aviation programming is paid for with user-generated revenues from aircraft registration fees and aviation fuel taxes. Programming amounts vary year to year.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Iowa has 3,000 registered aircraft, 5,700 pilots and large numbers of visiting aircraft to the state. One million passengers visit Iowa's commercial airports each year by air. There are 62 businesses providing aviation services, 16 helicopter air ambulance bases, six military aviation units, and 400-plus aerial applicators that all rely on safe and well-maintained public-use airport facilities. Aviation supports \$6.4 billion in annual economic activity in Iowa. Safe and operational airport facilities are key to supporting much of this activity. If this chapter went away, the maintenance of public use airports would be reduced, and both safety and accessibility would be compromised.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Proposed rules include an update of minimum safety standards that modernize the chapter. While the rule is not less restrictive, changes have been incorporated to simplify and improve processes and provide better opportunities for addressing airport deficiencies with corrective actions.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

For many years, safety rules have been vetted with the Department, stakeholder, and public input. While some recommendations for change are being made and have been well accepted by stakeholders, the only alternative would be to no longer offer airport registration or rely on self-assessment by airports. The history of finding safety discrepancies supports the need for state involvement in this arena.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

As experience shows with discrepancy reports, the airport registration process does hold airport owners responsible and is needed for meeting minimum safety standards. Deficiencies are often identified that need corrective action to maintain airport safety.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This chapter does not affect small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 761—Chapter 720 and adopt the following **new** chapter in lieu thereof:

CHAPTER 720
IOWA AIRPORT REGISTRATION

761—720.1(328) Scope and contact information.

720.1(1) This chapter establishes airport registration and airport closing requirements for airports open for use by the public.

720.1(2) Questions regarding this chapter may be directed to the Modal Transportation Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone 515.239.1468; or through the department's website at www.iowadot.gov/aviation.

761—720.2(328) Definitions. The definitions in Iowa Code section 328.1 apply to this chapter. In addition:

“*Obstruction*” means any structure, object of natural growth, or use of land that impedes the airspace required for the takeoff or landing of aircraft at an airport.

“*Private use*” means available for use by the owner or other persons authorized by the owner.

“*Public use*” means available for use by the public without prior approval from the owner or operator.

761—720.3(328) Public-use airport. Airport registration requirements apply to public-use airports.

720.3(1) *Registration.* An airport is to apply to the department when seeking a public-use airport certificate of registration. If following an inspection, the airport meets minimum safety standards, the department will issue the airport a public-use airport certificate of registration.

720.3(2) *Registration renewal.* Each public-use airport certificate of registration renews automatically each year unless the certificate is revoked. When an airport is to be inspected by the department, the airport will be provided with an airport registration application and will need to apply for registration renewal.

720.3(3) *Airport inspection.* Each registered public-use airport is subject to inspection by the department at any reasonable time, but the airport will be inspected no less than every three years. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department will record that fact and notify the airport in writing with necessary

corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. Federal Aviation Administration (FAA) inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.

720.3(4) Posting. The airport certificate of registration is to be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the certificate is to be displayed at the office of the airport manager or caretaker. If a certificate of registration is revoked by the department, it must be removed from public view and destroyed.

761—720.4(328) Revocation or denial. The department may revoke or deny a certificate of registration pursuant to Iowa Code section 328.19.

761—720.5(328) Corrective action plan. If an airport is not in compliance with minimum safety standards, the airport may submit a proposed corrective action plan that identifies a time period up to six years to bring the airport into compliance. The plan must be reasonable and attainable. The plan is subject to approval by the department, and if approved, the department may issue a certificate of registration that can be revoked at any time if an unsafe condition develops.

761—720.6(328) Minimum safety standards. The minimum safety standards for a public-use airport are as follows:

720.6(1) Runways.

a. Width. The minimum usable runway width will be 50 feet.

b. Marking of paved runways. Marking of paved runways will be in accordance with FAA Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

c. Marking of nonpaved runways. Marking of nonpaved runways will use high-visibility yellow airport marking cones no less than 36 inches in diameter and 24 inches tall.

(1) Runway edge marking cones are to be placed 200 feet apart outlining the length of the runway surface.

(2) Runway ends are to be marked using six marking cones placed perpendicular to the runway heading.

(3) Displaced thresholds are to be marked by adding three marking cones from each runway edge at the point of the threshold location along the length of the runway surface.

d. Surfaces. Runway surfaces will be free of foreign debris and surface deficiencies that could impede the ability of aircraft to land or take off.

e. Winter operations.

(1) During and following winter events, runways and other operational areas are to be cleared as quickly as practical.

(2) To the extent possible, snow pile height is to be minimized.

(3) Notices to Air Missions (NOTAMS) are to be issued with the FAA to alert aircraft operators when an airport is unusable or unsafe for aircraft operations. NOTAMS should identify the closure of an airport or affected runways and provide a reasonable estimate of when the airport will be cleared and reopened for public use.

(4) If an airport does not intend to conduct winter operations for a winter season, it will be noted in the FAA's Airport Master Record and Chart Supplement so pilots are aware snow removal and other winter operations will not occur.

f. Unusable and unsafe runways. When a runway has become temporarily unusable or unsafe for aircraft operations, the affected area will be marked by suitable flags, barriers or flares clearly showing the boundaries of the unsafe or unusable area.

(1) Affected runways are to be marked in accordance with guidelines in rule 761—720.7(328).

(2) NOTAMS are to be issued to close the airport or affected runways and provide a reasonable estimate of when the airport is to be reopened for public use.

g. *Line of sight.* Runway sight distance will provide an unobstructed line of sight from any point 5 feet above the runway surface to any point 5 feet above the runway surface for the entire length of the runway, or the sponsor shall note in the FAA's Airport Master Record and Chart Supplement, so pilots are aware of the line-of-sight obstruction.

720.6(2) Approach zones.

a. *Approach surface.* The approach zone of a runway extends from the runway end (or displaced threshold) and is longitudinally centered on the runway centerline for a horizontal distance of 1,000 feet. The width is 250 feet starting at the runway end and widens out to 450 feet at the farthest point from the runway.

b. *Approach obstructions.* Approaches are to remain free of obstructions above a glide path of a 20:1 ratio within the approach zone of each usable runway. If an obstruction exists in an approach zone that impedes the airspace required for the takeoff or landing of aircraft, the obstruction should be removed. If removal of the obstruction is not possible, the runway threshold is to be displaced. The runway length remaining between the displaced threshold and the departure end of the runway is the landing distance available.

c. *Crops in approach zones.* Crops are not considered an approach zone obstacle.

d. *Consideration for vehicles and trains.* When the approach zone to any runway crosses a road or railroad, the glide path on a 20:1 ratio shall pass at least 17 feet above an interstate highway, 15 feet above any other public roadway, 10 feet above a private road, and 23 feet above a railroad.

720.6(3) Obstruction-free areas.

a. *General obstruction-free areas.* The following areas of the airport will be free of obstructions with the exception of operational and frangible equipment that is essential for operation of the airport. For this subrule, obstructions include any object of natural growth, terrain, construction hazards, equipment, crops or grass taller than 8 inches, or other items that would provide a potential hazard to aircraft operations on the ground or in the air:

- (1) Paved runways.
 1. Within 125 feet of the centerline.
 2. Within 200 feet of the runway end.
- (2) Nonpaved runways.
 1. Within 60 feet of the centerline.
 2. Within 10 feet of runway edge markers along the entire length of the runway.
- (3) Automated weather observing equipment.
 1. Any airport property or easement located within a 100-foot radius.
 2. Reserved.

b. *Building obstruction-free areas.* In no case may a building be constructed closer than 125 feet from a runway centerline of a paved runway or 50 feet from the edge of a nonpaved runway.

720.6(4) Facilities.

a. *Wind indicator.* The airport is to be equipped with an 18-inch diameter or larger windsock, blaze orange in color. If the airport is lighted for night operation, the windsock is to be lighted.

b. *Fire extinguishers.* At least one operational fire extinguisher capable of extinguishing all classes of fires is to be readily accessible to aircraft fueling or ramp areas.

c. *Lighting.* If an airport is published to have lighting for night operation:

- (1) The system is to be operable.
- (2) The airport is to be lighted from dusk to dawn or have an operable air-to-ground controller for the lighting system.

761—720.7(328) Airport closing.

720.7(1) Notice. When an airport ceases operation for any reason, the sponsor must notify the department, destroy the certificate of registration and mark the landing area to clearly indicate that the airport is closed to air traffic.

720.7(2) *Marking.* All marking indicating a usable runway is to be obliterated. The sponsor will place at a central location a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(3) *Temporary closing.* When conditions, not related to a winter event, require the temporary closing of a runway, the runway is to be marked on both ends with a yellow X in accordance with FAA Advisory Circular 150/5340-1M (Standards for Airport Markings) as amended through May 10, 2019.

720.7(4) *Repayment of financial assistance.* Within 30 days of closing an airport (other than temporary closing), the sponsor is to request from the department a review of contractual obligations that require repayment of financial assistance. The department will provide a determination detailing grant obligations that must be repaid. Any repayment of grants is to be made to the department in no more than five equal annual installments, beginning one year from the airport's closure date. If an alternative future use of the airport facility is planned for a project that creates jobs and expands the economy, the sponsor may, within 30 days of the department's determination, request forgiveness of repayment. The request must include a plan detailing the alternative future use of the airport facility, an explanation of how the alternative future use creates jobs and expands the economy, a cost-benefit analysis from the sponsor, a commitment of private investment in the project equal to at least two times the amount of repayment due to the state, and a commitment from the sponsor, or associated political subdivision(s), to complete the alternative use project within five years. The department will review the request for forgiveness of repayment and approve or deny the request within 60 days of receipt.

761—720.8(17A) *Hearing and appeal process.* A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13.

These rules are intended to implement Iowa Code chapter 17A and sections 328.1, 328.12, 328.19 and 328.35.