

**TRANSPORTATION DEPARTMENT[761]**

**Notice of Intended Action**

**Proposing rule making related to airport registration and special certificates for aircraft and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 720, “Iowa Airport Registration,” and Chapter 750, “Aircraft Registration,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 328.12 and section 328.19 as amended by 2022 Iowa Acts, House File 2124.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 328.19 as amended by 2022 Iowa Acts, House File 2124, and section 328.28 as amended by 2022 Iowa Acts, Senate File 2370, section 1.

*Purpose and Summary*

This proposed rule making conforms Chapters 720 and 750 with 2022 Iowa Acts, House File 2124 and Senate File 2370.

House File 2124 removes outdated Iowa Code language related to establishing airport traffic patterns, as well as language requiring burdensome, redundant and unnecessary site approval requirements for new airports. The Federal Aviation Administration has become the authority on airspace that identifies standard airport traffic patterns for aircraft operations used when taking off and landing at airports.

The proposed amendments to Chapter 720 also correct the scope of the chapter, revise the wording to use “certificate of registration” and add contact information.

Senate File 2370 limits the period a manufacturer or dealer may operate an aircraft under a special certificate to three years. Currently, rule 761—750.30(328) limits the time to 24 months.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

*Public Comment*

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 13, 2022. Comments should be directed to:

Tracy George  
Department of Transportation  
DOT Rules Administrator, Government and Community Relations  
800 Lincoln Way  
Ames, Iowa 50010  
Email: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us)

### *Public Hearing*

If requested, a public hearing to hear oral presentations will be held on September 15, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on September 13, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 761—720.1(328) as follows:

**761—720.1(328) Scope.** This chapter establishes ~~site approval~~, registration and registration renewal requirements and minimum safety standards for airports open for use by the public. It also establishes ~~site approval~~ airport closing requirements ~~for airports maintained for private use.~~

ITEM 2. Amend rule 761—720.3(328) as follows:

**761—720.3(328) Airport site approval required Contact information.** ~~A person or governmental subdivision planning to construct or establish an airport shall obtain a certificate of airport site approval from the department before the site is acquired or before the airport is constructed or established~~ 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](http://www.iowadot.gov).

ITEM 3. Amend rule 761—720.4(328) as follows:

**761—720.4(328) Public-use airport.** ~~The site approval requirements of this rule apply to proposed public-use airports. The remaining Airport registration requirements apply to existing public-use airports.~~

~~**720.4(1) Application for site approval.** The sponsor shall complete Iowa Department of Transportation Form 300025, "Airport Site Approval and New Registration Application," and submit it to the modal transportation bureau. This form is available from 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](http://www.iowadot.gov).~~

~~**720.4(2) Site requirements.** Before issuing a certificate of airport site approval, the department shall:~~

~~a. Review the application and, if necessary, inspect the site. The sponsor shall ensure access to the site for the inspection at a reasonable time convenient for department personnel.~~

~~b. Require a current airspace determination issued by the FAA which concludes that the proposed site will not adversely affect the safe and efficient use of airspace.~~

~~720.4(3) Certificate of site approval.~~

~~a. After the application, inspection and FAA approval requirements have been met, the department shall issue a certificate of site approval for the airport if it complies with the minimum airport safety standards established by the department.~~

~~b. The certificate of site approval shall locate the proposed airport by geographical coordinates; section, township and range; and distance and direction from an established nearby community.~~

~~c. The certificate of site approval shall be valid for two years from the date of issuance.~~

~~d. Aircraft operations shall not be permitted at the proposed site prior to airport registration.~~

~~720.4(4) 720.4(1) Registration.~~ When construction of a new airport is ~~complete~~ completed, the sponsor shall notify the department. The department shall inspect the airport and, if the airport is in compliance with the minimum safety standards designated by the department, shall issue the airport a public-use airport certificate of registration ~~certificate~~.

~~720.4(5) 720.4(2) Registration renewal.~~ Each public-use airport shall apply annually for a registration renewal on a form provided by the department. The department shall issue a registration public-use airport certificate of registration to a public-use airport if the airport is in compliance with the minimum safety standards designated by the department.

~~720.4(6) 720.4(3) Airport inspection.~~ Each registered public-use airport is subject to inspection by the department at any reasonable time. If the inspection by the department reveals an unsafe condition or a failure to meet the minimum safety standards, the department shall record that fact and shall notify the airport sponsor in writing with necessary corrective actions. Failure to implement corrective actions may result in airport registration revocation or denial. An FAA inspection of an airport certified under 14 CFR Part 139 may be accepted in lieu of an inspection by the department.

~~720.4(7) 720.4(4) Posting.~~ The airport certificate of registration ~~certificate~~ shall be posted in a prominent place available to the public at the airport. If there are no buildings at the airport, the registration certificate shall be displayed at the office of the airport manager or caretaker.

~~720.4(8) Revocation.~~ Rescinded IAB 7/4/07, effective 8/8/07.

ITEM 4. Rescind and reserve rule ~~761—720.5(328)~~.

ITEM 5. Amend ~~761—Chapter 720~~, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 328.1, 328.12, 328.19 as amended by 2022 Iowa Acts, House File 2124, and 328.35 and 2016 Iowa Acts, chapter 1131, section 3.

ITEM 6. Amend rule ~~761—750.30(328)~~ as follows:

**761—750.30(328) Application for special certificate.** When applying to the department for a special certificate, the applicant must submit reasonable proof of bona fide status as a manufacturer, transporter or dealer. ~~Dealer~~ Manufacturer or dealer applicants must verify that no aircraft have been held in a dealer special certificate inventory for a period of more than ~~24 calendar months~~ three years.

This rule is intended to implement Iowa Code section 328.28 as amended by 2022 Iowa Acts, Senate File 2370, section 1, and section 328.29.