

**City of Portage
Airport Commission
Wednesday, May 18, 2016, 7:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Agenda**

Members: Rita Maass, Chairperson; Barry Erath, Jeffrey Monfort, Fred Langbecker, William Kutzke, David Tesch

1. Roll Call.
2. Selection of Vice Chairperson.
3. Approval of Minutes from meeting on March 16, 2016.
4. Report and Discuss the Airport Sponsors Workshop and Individual Airport Meeting.
5. Airport Manager's report discussing the Airport Managers' Meeting.
6. Report and Discuss the FAA meeting held on May 3, 2016.
7. Review and Discuss Ordinance No. 16-008 regarding membership regarding the Boards, Committees and Commissions. Formal action will be taken up at Legislative and Regulatory Committee.
8. Review and Discuss the Analysis of Petition from Portage Municipal Airport Eligibility Statement.
9. Review and discuss the A.L.P. from HNTB.
10. Reports.
 - a. Director of Public Works' report
 - b. Managers' report
11. Discuss and set the date for the next meeting.
12. Adjournment.

**City of Portage
Airport Commission
Wednesday, March 16, 2016, 6:00 p.m.
City Municipal Building, 115 West Pleasant Street
Conference Room One
Minutes**

Members present: Rita Maass, Chairperson; Doug Klapper, Barry Erath, William Kutzke, David Tesch, Fred Langbecker

Member excused:

Others present: Manager Poppy, Director Jahncke, Administrator Murphy and Bill Welsh (Cable TV)

1. Roll Call

Meeting called to order at 7:00 pm by chairperson Maass

2. Approval of minutes from February 16, 2015

Motion by Erath, second by Kutzke to approve the minutes. Motion passed 6-0.

3. Discussion on the proposed 6 year Capital Improvement Plan

Director Jahncke presented the plan and the memo.

Kutzke stated: We should aim to complete everything in the draft A.I.P. and we need a list of ideas of what we are doing and in what order. The City should really look into removing trees rather than inventorying them.

Maass stated: The Certified Survey Map is one of our greatest needs as an airport. It will determine the boundaries of the property that we own.

Murphy stated: It is important to have this CSM complete so we do not cut down trees on neighbor's property like we did in the past.

Kutzke stated: We need the survey in 2016 and we need to cut down trees in 2016 and not put it off until 2017 and that property identification to begin sooner than later will be helped by having a survey.

Maass: Stated a portion of the property around the airport are owned by the city and we should deal with those properties first. There is also a chance we might have to move the fuel farm sooner than later.

Poppy stated: the most important trees to remove are the ones on prison property and we may have to do a bat survey if it is done in the summer.

Erath questioned: Whether the state departments were for saving bat's lives or pilot's lives.

Maass stated: We have to survey for bats if they are roosting if they are not there for instance in the winter they would not be an issue.

Kutzke stated: That he would like to see obstruction removal in 2016 – 2017 and that the city may be entitled to a credit for wildlife mitigation since the police have been culling deer.

Jahncke stated: He will adjust the CIP Plan to reflect 2016-2017 Obstruction removal and 2016-2017 Wildlife mitigation plan. He will also adjust the language in the Airport Master Plan to allow a planning phase prior to sending out an RFP for consulting services.

4. Discussion by the Airport Commission regarding the Mayoral candidate's platforms regarding the airport.

Erath presented the finding from the meetings with the Mayoral candidates as summarized in the attached email#1.

5. Reports

a. Director Public Works' report

Reimer roofing was awarded the contract for the roof repairs on the hangars. And that the Individual Airport Meeting is scheduled for the afternoon of March 30th.

b. Manager's report

Manager Poppy reported the lights were being replaced and to check out the Airport Manager's Association Conference in May at wiama.org if anyone was interested in attending.

6. Adjournment

Motion by Tesch and second by Kutzke. Motion passed. The meeting adjourned at 7:06 p.m.

Aaron J. Jahncke, Director of Public Works

Date Approved:

Summary of Proposed Changes

This ordinance changes the membership of the Airport Commission to note that City staff shall act as a resource to the Commission. Additionally, the ordinance reduces the total membership of the Historic Preservation Commission from 9 to 7 and clarifies the appointment of individuals with specialize qualifications is desired, not required.

ORDINANCE NO. 16-008

ORDINANCE RELATIVE TO ADMINISTRATION & HISTORIC PRESERVATION

Section I

Chapter 2, Article V - BOARDS, COMMITTEES, COMMISSIONS

Division 4 Board of Airport Commissioners

The following sections of this Article shall be amended to read as follows:

Sec. 2-201. - Membership.

The board of airport commissioners shall consist of three alderpersons appointed annually at the organizational meeting, and three citizens who shall be appointed by the mayor, subject to common council confirmation. Citizen members shall have a three-year term of office. The mayor shall appoint the chairperson of the commission. **City staff shall serve as resources to the Airport Commission and shall make reports and provide recommendations to the Commission on items to be considered by the Commission upon request of the Chairperson.**

All other sections shall remain as previous adopted.

Section II

Chapter 34, Article 1 – HISTORIC PRESERVATION

The following section of this Article shall be amended to read as follows:

Sec. 34-31. - Created; membership and appointment.

A historic preservation commission is hereby created, consisting of nine **seven** members. **Membership shall consist of one alderperson and six citizen members.** Of the membership, if available in the community, one **may** shall be a registered architect; one **may** shall be a historian; **and one may** shall be a licensed real estate broker.; ~~one shall be an alderperson; and five shall be citizen members.~~ Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the historic preservation commissioners subject to confirmation by common council.

All other sections shall remain as previously adopted.

This Ordinance shall take effect upon passage and publication thereof.

Passed this _____th day of _____, 2016.

Richard Dodd, Mayor

Attest:

Marie A. Moe, WCPC, MMC, City Clerk

First and second readings:
Published:

Ordinance requested by:
Legislative & Regulatory Committee

Draft



Division of Transportation
Investment Management
PO Box 7914
Madison, WI 53707-7914

Scott Walker, Governor
Mark Gottlieb, P.E., Secretary
Internet: <http://wisconsindot.gov>

Telephone: 608-266-3351

Facsimile (FAX): 608-267-6748

April 27, 2016

MS. MARIE MOE, CITY CLERK
CITY OF PORTAGE
115 W. PLEASANT ST.
PORTAGE, WI 53901

Analysis of Petition from Portage Municipal Airport

Dear Ms. Moe:

A copy of the eligibility statement and the agency agreement for your petition dated January 28, 2016 are enclosed. The **eligibility statement** analyzes each of the work items requested and determines whether they are or aren't *eligible* for state and/or federal aid. The **agency agreement** authorizes the bureau to begin work on the airport's behalf.

All eligible work items will be considered in the bureau's Five-Year Airport Improvement Program. We will compare your project to other airports requests using a state and federal priority rating system. Low priority rating eligible work items may be deferred to later years in the program. Please read through the attached documents for status on your requested work items, and an explanation of your airport's compliance with Wis. Admin. Code Trans §55.06 (1997).

Also included is a copy of Wis. Admin. Code Trans §55.06 (1997). There are nine minimum safety and operational standards your airport needs to meet as a condition of receiving state funds. When the bureau proceeds with an airport improvement project, we review the airport to see if it meets these conditions.

Sincerely,

Wendy A. Hottenstein, P.E.
Airport Development Engineer

wah
Enclosures
116dev.dot/r.08/27/2015

CC: Rita Maass, Portage Airport Commission
John Poppy, Portage Airport Manager

**WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION INVESTMENT MANAGEMENT
BUREAU OF AERONAUTICS**

Eligibility statement

for

Petition dated January 28, 2016

Submitted by:

City of Portage

Portage Municipal Airport

I. Project Background

A. Petition

The sponsor of the proposed project, City of Portage, petitioned the Secretary of Transportation, under Wis. Stats. §114.33(2) (1971) for Federal and State Aid to improve the Portage Municipal Airport. The improvement(s) desired were requested in a petition dated January 28, 2016. The requested improvement(s) are:

1. Certified survey map of airport property
2. Tree encroachment/obstruction removals
3. Seal coat runway
4. Establish master plan for airport
5. Reconstruction/relocation sanitary lift station at airport
6. Survey external airport areas for height limitation ordinance
7. Acquisition of easements and/or properties encroaching runway clear zones or height limitation ordinance
8. Construct airport perimeter fence
9. Relocate/expand fuel storage/dispensing facility
10. Reconstruct/improve cross runway
11. Hangar construction/replacements
12. Runway/airport lighting
13. Airport terminal replacement
14. Development of a wildlife mitigation plan
15. Relocation of overhead utility lines in runway clear zones
16. Any necessary related work

B. Compatibility with national, state, and local plans

Portage Municipal Airport is included in both the National Plan of Integrated Airport Systems (NPIAS) and the State Airport System Plan (SASP), making it eligible for both federal and state aid. The airport is classified as a General Aviation - Local airport in the NPIAS and as a Medium General Aviation airport in the SASP.

The airport layout plan has been drafted but not yet submitted to FAA for review and approval. The petitioned improvements are shown on this plan,

II. Project need assessment

A. Existing facility

Portage Municipal Airport is located in Columbia County on approximately 256 acres located in the City of Portage.

The airport has two asphalt runways. Runway 17/35 is a 60' X 3,768' asphaltic runway with Medium Intensity Runway Lights (MIRLs). Runway 17 also has Runway End Identifier Lights (REILs) and a precision approach path indicator (PAPI). Runway 4/22 is a 40' X 2,559' asphaltic runway.

Navigational aids supporting the airport include a rotating beacon and circling approach using Baraboo's very high frequency omni-range station (VOR). The airport has a non-precision VOR/DME or GPS approach to Runway 17.

The FAA Airport Master Record Form 5010 dated July 29, 2015 showed there are 24 single engine, 1 multi-engine, and 1 jet aircraft based at the airport.

The facilities at the airport include individual and T-hangars, a terminal building, and a fueling facility, providing mogas and 100LL. There are no other current services at the airport.

B. Assessment of petitioned items

1. Certified survey map of airport property

The sponsor would like to conduct a boundary survey of the entire airport to determine its exact property lines and depict it as "airport property" so it can be used for airport purposes only. This will also allow them to determine which obstructions are located on airport property for their removals.

2. Tree encroachment/obstruction removals

The sponsor would like to remove any obstructions that may need clearing to provide clear FAR Part 77 surfaces to both runways along with clear NAVAID clearance slopes.

3. Seal coat runway

Runway 17/35 was reconstructed in 1996 with 3" of asphaltic pavement over 9" crushed aggregate base course. According to the 2012 PCI report, the majority of the runway has a PCI rating of 70. The pavement has low severity longitudinal and transverse cracking along with low to medium severity weathering. There was also medium severity alligator cracking. Crack filling and seal coating would be advantageous in prolonging the life of this pavement.

An application of a slurry seal coat would be beneficial in stopping further oxidation, providing good friction characteristics, and to fill and level out various cracks in the pavement. The dark colored seal also quickens melting of ice and snow and provides excellent visual identification from the air.

4. Establish master plan for airport

There was an Airport Master Plan completed in 2011 to analyze various runway improvement options. The sponsor would like to have the master plan updated to reflect more of the other miscellaneous improvements associated with such items as the apron, taxiways, hangars, fuel farm, and terminal

building. The master plan could be used to help the sponsor plan and implement the proposed improvements.

5. Reconstruction/relocation sanitary lift station at airport

There is a sanitary lift station presently located on airport property approximately 200' from the centerline of the primary Runway 17/35. It is currently an obstruction to the FAR Part 77 primary surface of Runway 17/35. The WisDNR has told the City of Portage they need to make improvements to the lift station to meet environmental regulations. One of these improvements would require them to construct an enclosure which would become even more of an obstruction to the FAR Part 77 primary surface of the primary Runway 17/35. This petition item is requesting funding to assist in the reconstruction/relocation of the sanitary lift station.

6. Survey external airport areas for height limitation ordinance

The sponsor would like to survey properties external to the airport to identify runway clear zones, proposed property acquisitions, and identify obstructions.

7. Acquisition of easements and/or properties encroaching runway clear zones or height limitation ordinance

The airport owner would like to acquire the land necessary in fee simple and/or easements to provide clear FAR Part 77 surfaces to all runway approaches for approach protection and control of the runway protection zones.

8. Construct airport perimeter fence

In order to keep unauthorized people, animals, and vehicles off of the airport, fencing is needed to enhance safety at the airport. There have been a number of occasions where unauthorized people and/or vehicles have wandered around on the airport without permission. At the present time there is only an old 4' fence in the terminal area. The airport is also well known to have deer and other wildlife on and in the vicinity of the airport. Having a wildlife perimeter fence will greatly enhance the safety of the airport by preventing the deer and other wildlife from entering the airport property.

9. Relocate/expand fuel storage/dispensing facility

The existing fuel farm contains 100LL and 91 Octane auto gas. However the airport is considering switching to an Avgas 94 Octane to fuel the Supplemental Type Certificate aircraft instead of the auto gas. The fuel facility is presently an obstruction to the Runway 17/35 primary surface thus it needs to be relocated. Due to this relocation, the fuel farm facility may also need to be brought up to environmental standards since it was originally constructed around 1993.

10. Reconstruct/improve cross runway

Runway 4/22 was constructed in 1948 with 4 ½" asphaltic pavement on 2" of aggregate base course. It was last sealcoated in 2010. The pavement has exceeded its useful life.

The Wisconsin State Airport System Plan states that the minimum PCI threshold allowable for reconstruction is 70 for runways at General Aviation Airports. According to the 2012 PCI report, the majority of the runway has a PCI value of 57. The pavements has low severity block cracking throughout the majority of the pavement surface. Additionally, medium severity alligator cracking was observed toward the eastern end of the runway and low-severity depression was recorded near the intersection of Runway 17/35.

11. Hangar construction/replacements

The sponsor would like to replace some of the older deteriorated hangar buildings and construct some new city owned hangars to accommodate those people interested in basing their airplanes at the airport.

12. Runway/airport lighting

The airport would like to replace all their airfield lighting and signage. Runway 17/35 presently has Medium Intensity Runway Lighting which was installed in 1966. They are constantly having problems with the lighting thus needs to be replaced. Runway 4/22 presently does not have any lighting and needs runway lighting. Runway 17 also has an old set of REILs that need to be replaced. The Runway 17 PAPIs were replaced in the Fall of 2013.

13. Airport terminal replacement

The City would like to replace their old existing terminal building which was built in 1944 with a new terminal building. The building's outdated materials, deteriorating condition, and the inefficient use of utilities are proving to be an expensive combination and in dire need of repair. The present structure also does not address the building criteria established by the American Disability Act (ADA). To eliminate these problems and broaden the City's services at the airport, it has been requested that a new terminal building be approved to provide a 24 hour restroom and terminal access for weatheration facilities, passenger/pilot lounge area, storage area for airport equipment, provide office space for Airport Manager and Commission, and provide conference/meeting room areas. The Wisconsin Statutes limit the State funding to \$1,250,000 per terminal building project.

14. Development of a wildlife mitigation plan

During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives worldwide, as well as billions of dollars in aircraft damage.

In 2009, US Airways flight 1549 collided with a flock of Canada geese shortly after departing from LaGuardia International Airport (LGA). That incident in particular increased public awareness of wildlife strikes and highlighted the many challenges associated with balancing of wildlife hazards and safe airports operations.

The Federal Aviation Administration maintains a comprehensive program to address wildlife hazards. Through policy and guidance, research and outreach, FAA is striving to stay ahead of the issue thus encouraging airport owners to conduct Wildlife Hazard Assessments to help determine what, if any, wildlife mitigation is needed. FAA states they will support GA airports by making federal funding available to conduct an assessment.

15. Relocation of overhead utility lines in runway clear zones

There are high power transmission lines obstructing the approach to Runway 35. On centerline, the power lines are located 1,580' from the 260' displaced threshold and 110' above the ground thus providing only a 14:1 clear for slope to the displaced threshold. FAA requires a clear 20:1 approach slope. They need to be relocated to provide a clear approach surface to the airport.

16. Any necessary related work

There is no necessary related work at this time

III. Public hearing summary

A public hearing for the proposed work was held on October 14, 2015 at 7:00pm at the Portage Municipal Building. Opportunity for public input was provided and the following responses were documented: one person spoke against any expansion or reconditioning of the airport, one person wrote a letter supporting the need to have a well maintained airport, and one other person wrote a letter supporting the need for additional hangar space, deer fencing, and other airport improvements, and the local healthcare president/CEO wrote a letter supporting the need for a local airport.

IV. Eligibility review committee determination

A. Petitioned items

1. Certified survey map of airport property

The Eligibility Review Committee determines that the development of a boundary survey of the airport property is eligible for Federal and/or State funding.

2. Tree encroachment/obstruction removals

The Eligibility Review Committee determines that the clearing of obstructions is eligible for Federal and/or State funding.

3. Seal coat runway

The Eligibility Review Committee finds the crack and slurry seal of Runway 17/35 is eligible for Federal and/or State aid.

4. Establish master plan for airport

The Eligibility Review Committee determines that the development of an Airport Master Plan is eligible for Federal and/or State funding.

5. Reconstruction/relocation sanitary lift station at airport

The Eligibility Review Committee determines that only the costs associated with the relocation of the sanitary lift station is eligible for Federal and/or State funding.

6. Survey external airport areas for height limitation ordinance

The Eligibility Review Committee determines that the surveying of external airport areas for obstruction removals is eligible for Federal and/or State funding.

7. Acquisition of easements and/or properties encroaching runway clear zones or height limitation ordinance

The Eligibility Review Committee determines that the acquisition of easements and/or fee simple for runway clear zones and approach protection is eligible for Federal and/or State funding as shown on an approved Airport Layout Plan.

8. Construct airport perimeter fence

The Eligibility Review Committee determines that the construction of an airport perimeter fence is eligible for Federal and/or State funding.

9. Relocate/expand fuel storage/dispensing facility

The Eligibility Review Committee determines that the relocation and expansion of the fuel storage/dispensing facility is eligible for Federal and/or State funding contingent on the submittal and approval of the revenue generating forms.

10. Reconstruct/improve cross runway

The Eligibility Review Committee determines that the reconstruction of the crosswind runway 4/22 is eligible for Federal and/or State funding.

11. Hangar construction/replacements

The Eligibility Review Committee determines that hangar construction/replacement is eligible for federal entitlement funds only contingent on the submittal and approval of the revenue generating forms.

12. Runway/airport lighting

The Eligibility Review Committee determines that the construction of runway/airport lighting is eligible for Federal and/or State funding.

13. Airport terminal replacement

The Eligibility Review Committee determines that the construction of a new terminal building is eligible for Federal General Aviation Entitlements for public use areas and/or State funding up to a limit of \$1,250,000 of State Aid.

14. Development of a wildlife mitigation plan

The Eligibility Review Committee determines that the development of a wildlife mitigation plan is eligible for Federal and/or State funding as recommended by a wildlife site assessment.

15. Relocation of overhead utility lines in runway clear zones

The Eligibility Review Committee determines that the relocation of the overhead utility lines in runway clear zones is eligible for Federal and/or State funding.

16. Any necessary related work

The Project Eligibility Committee defers this to a later date.

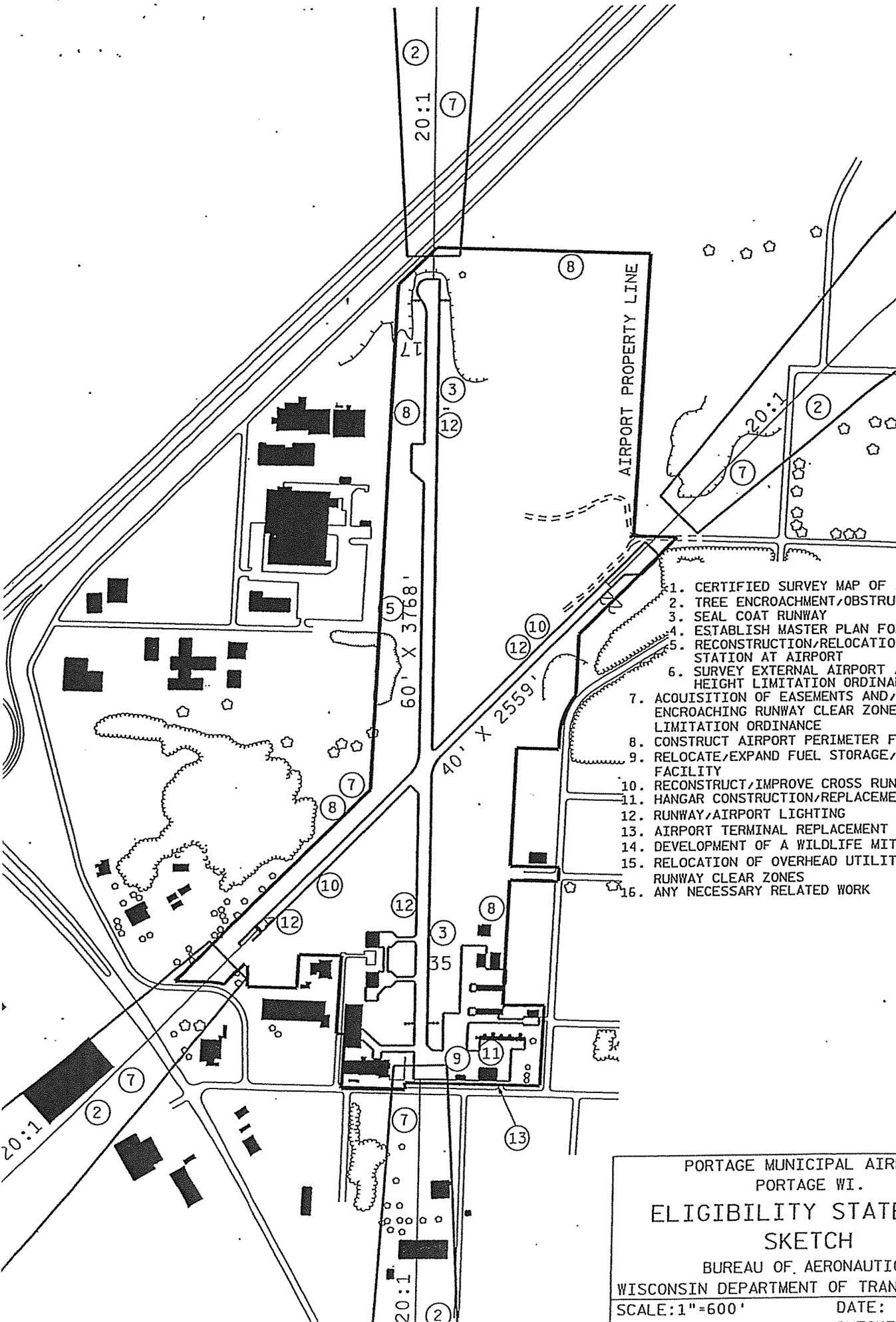
V. Bureau Director Endorsement

The determination(s) of the eligibility review committee are approved. It is recommended that the eligible items be programmed in accordance with priorities subject to the correction of any deficiencies identified in Wis. Admin. Code Trans §55.06 (1997).

Approved: _____


David M. Greene, Director
Bureau of Aeronautics

Date: 09-22-2016



1. CERTIFIED SURVEY MAP OF AIRPORT PROPERTY
2. TREE ENCROACHMENT/OBSTRUCTION REMOVALS
3. SEAL COAT RUNWAY
4. ESTABLISH MASTER PLAN FOR AIRPORT
5. RECONSTRUCTION/RELOCATION SANITARY LIFT STATION AT AIRPORT
6. SURVEY EXTERNAL AIRPORT AREAS FOR HEIGHT LIMITATION ORDINANCE
7. ACQUISITION OF EASEMENTS AND/OR PROPERTIES ENCROACHING RUNWAY CLEAR ZONES OR HEIGHT LIMITATION ORDINANCE
8. CONSTRUCT AIRPORT PERIMETER FENCE
9. RELOCATE/EXPAND FUEL STORAGE/DISPENSING FACILITY
10. RECONSTRUCT/IMPROVE CROSS RUNWAY
11. HANGAR CONSTRUCTION/REPLACEMENT
12. RUNWAY/AIRPORT LIGHTING
13. AIRPORT TERMINAL REPLACEMENT
14. DEVELOPMENT OF A WILDLIFE MITIGATION PLAN
15. RELOCATION OF OVERHEAD UTILITY LINES IN RUNWAY CLEAR ZONES
16. ANY NECESSARY RELATED WORK

PORTAGE MUNICIPAL AIRPORT
 PORTAGE WI.
**ELIGIBILITY STATEMENT
 SKETCH**
 BUREAU OF AERONAUTICS
 WISCONSIN DEPARTMENT OF TRANSPORTATION
 SCALE: 1"=600' DATE: 03-28-16

AGENCY AGREEMENT AND FEDERAL BLOCK GRANT OWNER ASSURANCES

Department of Transportation Bureau of Aeronautics Madison, Wisconsin

WHEREAS, the City of Portage, Columbia County, Wisconsin, hereinafter referred to as the sponsor, desires to sponsor an airport development project to be constructed with federal aid and/or state aid, specifically, the Portage Municipal Airport project to:

certified survey map of airport property; tree encroachment/obstruction removals; seal coat runway; establish master plan for airport; reconstruction/relocation sanitary lift station at airport; survey external airport areas for height limitation ordinance; acquisition of easements and/or properties encroaching runway clear zones or height limitation ordinance; construct airport perimeter fence; relocate/expand fuel storage/dispensing facility; reconstruct/improve cross runway; hangar construction/replacements; runway/airport lighting; airport terminal replacement; development of a wildlife mitigation plan; relocation of overhead utility lines in runway clear zones.

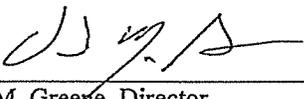
WHEREAS, the sponsor adopted a resolution on January 28, 2016, a copy of which is attached and the prescribed terms and conditions of which are fully incorporated into this agreement, designating the Secretary as its agent and requesting the Secretary to act as such as set forth in the resolution, and agreeing to maintain and operate the airport in accordance with certain conditions; and

AGENCY AGREEMENT.....

WHEREAS, upon such request, the Secretary is authorized by law to act as agent for the sponsor until financial closing of this project;

NOW THEREFORE, the sponsor and the Secretary do mutually agree that the Secretary shall act as the sponsor's agent in the matter of the airport development as provided by law and as set forth in the referenced resolution; provided, however, that the Secretary is not required to provide legal services to the sponsor.

By: SECRETARY OF TRANSPORTATION


David M. Greene, Director
Bureau of Aeronautics

04-22-2016
(Date)

FEDERAL BLOCK GRANT OWNER ASSURANCES

WHEREAS, the sponsor does agree to the conditions established in Wis. Admin. Code Trans §55, and for projects receiving federal aid, to the attached federal sponsor assurances, which are a condition of a federal grant of funds.

The federal block grant owner assurances shall remain in full force and effect throughout the useful life of the facilities developed under this project, but in any event not to exceed twenty (20) years from the date of the finding (except for land projects, which shall run in perpetuity);

Acceptance: The sponsor does hereby accept the Agency Agreement and the Federal Block Grant Owner Assurances.

The City of Portage, Columbia County, Wisconsin
Sponsor

Maria A. Mae
Name
City Clerk
Title
02-09-16
Date

W+ Bill L
Name
Mayor
Title
02-09-16
Date

Chapter Trans 55

CONDITIONS OF STATE AID FOR AIRPORT IMPROVEMENT

Trans 55.01	Purpose.
Trans 55.02	Definitions.
Trans 55.03	Applicability.
Trans 55.04	Duration.

Trans 55.05	Request for state aid.
Trans 55.06	Conditions of state aid.
Trans 55.07	Compliance assistance.

Trans 55.01 Purpose. The purpose of this chapter is to identify the conditions necessary to the granting of state aid as required in s. 114.31, Stats. This chapter describes owner responsibilities at airports developed with state funding assistance. These conditions protect the public investment and assure that airport improvements developed with state funds are managed to provide maximum public benefit.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.02 Definitions. The words and phrases defined in ch. 114, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Airport improvement project" means a physical improvement to an airport.

(2) "Airport owner" means a county, city, village or town, either singly or jointly with one or more counties, cities, villages or towns, or an owner of a public-use airport desiring to sponsor an airport improvement project to be constructed with state aid.

(3) "Conditions" means the requirements listed in s. Trans 55.06.

(4) "FAA" means federal aviation administration.

(5) "Finding" means a document prepared by the secretary and approved by the governor which authorizes funds for an airport improvement project.

(6) "Force account" means airport construction work that is accomplished through the use of material, equipment, labor, and supervision provided by the sponsor or by another public agency pursuant to an agreement with the sponsor.

(7) "Runway protection zone" means an area off the end of the runway, the use of which is restricted in order to enhance the protection of people and property on the ground.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.03 Applicability. The conditions set forth in s. Trans 55.06 apply to airport owners who sponsor a project developed with state aid.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.04 Duration. (1) Conditions of state aid shall commence on the date of issuance of a finding by the governor providing state funds for an airport improvement project and shall remain in effect for 20 years.

(2) There is no limit on the duration of conditions with respect to real property interests acquired with state funds.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.05 Request for state aid. (1) An airport owner may request state aid by resolution of the airport owner's governing body or board of directors as provided in s. 114.33 (2), Stats.

(2) The secretary may enter into an agreement with an airport owner in accordance with s. 114.32, Stats., for the following:

(a) To accept and disburse federal, state and local funds for a project and to make arrangements for the development of the project by contract, agreement, force account or otherwise.

(b) To acquire property.

(c) To administer the project including the execution of documents and contracts.

(3) The secretary may require a written commitment of required airport owner funds before forwarding a finding to the governor for approval.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.06 Conditions of state aid. (1) **GOOD TITLE TO AIRPORT.** (a) An airport owner shall maintain good title to the airport and may not dispose of or encumber its fee title or other property interests as shown on the exhibit "A", or airport property map, for the duration of these conditions without the written approval of the secretary. Ordinary airport tenant leases for direct, supportive or complementary aviation activities are not considered an encumbrance by the secretary and not subject to review.

(b) An airport owner may dispose of land when it is no longer needed for airport purposes, after receiving approval from the secretary. The airport owner shall dispose of the land at fair market value. The secretary may authorize that portion of the proceeds, which is proportionate to the state's share of the cost of acquisition of such land, shall be invested in an airport improvement project or be paid to the secretary for deposit in the transportation fund. Disposition of land shall be subject to the retention or reservation of an interest or right necessary to ensure that the land shall only be used for purposes which are compatible with the operation of the airport.

(2) **AIRPORT OPERATION AND MAINTENANCE.** (a) An airport owner shall safely operate and maintain all airport facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States.

(b) An airport owner may not permit an activity on airport property that would interfere with air transportation provided that nothing contained in this chapter shall be construed to require that an airport be operated during temporary periods when snow, flood or other conditions beyond the control of the owner prevent its use.

(c) An airport owner shall promptly notify pilots of conditions affecting the safe aeronautical use of the airport.

(d) An airport owner shall establish and maintain a program of both preventative and remedial pavement maintenance. The program shall contain, as a minimum, all of the following:

1. An inventory of pavements.

2. A pavement inspection schedule.

3. A systematic repair schedule to maintain performance and extend pavement life.

4. A budget sufficient to accomplish the repair schedule.

(e) An airport owner shall operate the following minimum airfield lighting during periods of darkness, when such facilities exist at the airport:

1. Low-intensity lighting on one runway.

2. Airport beacon.

3. Windsock lighting.

4. Obstruction lighting.

(3) **MAINTAIN CLEAR AND SAFE APPROACHES.** (a) An airport owner shall maintain clear and safe runway protection zones as

described in FAA advisory circular 150/5300-13, Airport Design, as amended, except for runway lighting fixtures, markers and meteorological instruments whose locations are fixed by their functional purposes or a structure approved by the FAA. The owner shall establish positive control of the runway protection zones through the acquisition of fee title or avigation easement. The owner shall prevent the erection or creation of a structure or place of public assembly in the runway protection zone.

Note: The FAA advisory circular may be obtained from the United States Department of Transportation, Distribution Unit, TAB 443.1, Washington, D.C. 20590, and is on file with the Attorney General's office and the Legislative Reference Bureau.

(b) An airport owner shall adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

(4) **ORDINANCES.** (a) A public airport owner shall adopt the following ordinances within 6 months after receipt of a sample ordinance from the secretary:

1. A height limitation zoning ordinance adequately restricting the height of objects near the airport in accordance with s. 114.136, Stats.

2. An ordinance to provide for the control of vehicular and pedestrian traffic on the surface of the airport.

(b) A private airport owner shall:

1. Adopt and enforce a rule to provide for the control of vehicular and pedestrian traffic on the surface of the airport.

2. Make application for and pursue the passage and acceptance of a compatible ordinance using s. 114.136, Stats., as the primary guide.

(5) **SURVEYS.** An airport owner shall cooperate with the secretary in surveys which may be conducted on topics that include the following:

(a) Airport rates and charges.

(b) Airport operations.

(c) Based aircraft.

(6) **PUBLIC ACCESS.** An airport owner shall provide suitable aircraft parking areas so that aircraft and passengers, scheduled and general aviation, have reasonable access to the airport facilities consistent with security requirements.

(7) **LEGAL RELATIONS.** An airport owner shall indemnify and hold harmless the state and all its officers, employees, and agents from and against a suit, cause, action, claims costs, and expenses, including legal fees, and the state's attorneys fees, in connection with bodily injury to a person or damage to property caused directly or indirectly by failure, malfunction, lack of maintenance, or construction of the airport and its facilities.

(8) **AIRPORT LAYOUT PLAN.** An airport owner shall maintain a current layout plan showing all of the following:

(a) The boundaries of the airport and all proposed additions, together with the boundaries of all off-site areas owned or controlled by the airport owner for airport purposes and proposed additions.

(b) The location and nature of all existing and proposed airport facilities and structures, such as runways, taxiways, aprons, termi-

nal buildings, hangars and roads, including all proposed extensions and reductions of existing airport facilities.

(c) The airport layout plan and each amendment, revision or modification to the plan shall be subject to the approval of the secretary, which approval shall be evidenced by the signature of a duly authorized representative of the secretary on the face of the airport layout plan. The airport owner may not make or permit a change or alteration in the airport or in any of its facilities other than in conformity with the airport layout plan as approved by the secretary if the changes or alterations might adversely affect the safety, utility or efficiency of the airport.

(9) **PRESERVING AIRPORT RIGHTS AND POWER.** (a) An airport owner may not enter into transactions which would deprive it of the rights and powers necessary to perform these conditions without the written approval of the secretary. The owner shall act to acquire, extinguish or modify outstanding rights or claims of the right or rights of others which would interfere with such performance by the airport owner.

(b) The obligation to perform these conditions may be assumed by another public agency found by the secretary to be eligible to assume such obligations and having the power, authority, and financial resources to carry out all such obligations. If an arrangement is made for management or operation of the airport by an agency or person other than the airport owner or an employee of the owner, the owner shall reserve sufficient rights and authority to ensure that the airport shall be operated and maintained in accordance with these conditions.

(10) **SPECIAL CONDITIONS.** In addition to the conditions under this section, the secretary may establish, by written agreement, special conditions in the public interest where required by specific project or airport site circumstances.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.

Trans 55.07 Compliance assistance. If the department becomes aware of an instance where an airport owner is not in compliance with this chapter, the following steps shall be taken:

(1) The department shall initiate an informal meeting with the airport owner to clarify the compliance issue and recommend corrective action, if required.

(2) If the informal meeting fails to resolve compliance disputes, the secretary shall issue a notice to the airport owner detailing such alleged disputes and requesting corrective action.

(3) An airport owner shall have 45 days to resolve discrepancies or reply in writing explaining a proposed course of action to resolve the discrepancy in a timely fashion.

(4) If an airport owner's response does not resolve the issue, the secretary shall then make a compliance determination and issue an appropriate order. The department may pursue appropriate administrative or legal action including suspension from state airport aid eligibility and the recovery of state funds invested in the airport.

(5) Airport owners in disagreement with the secretary's order may request an administrative hearing in accordance with ch. 227, Stats.

History: Cr. Register, May, 1997, No. 497, eff. 6-1-97.