

WISCONSIN

# Airport

# Development

HANDBOOK

JUNE 2012



West Bend Municipal Airport, West Bend

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# INTRODUCTION

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This booklet provides a guide for airport owners to initiate an airport improvement project and ultimately see it constructed.

If you have any questions about the program, please contact:

Wisconsin Department of Transportation  
Division of Transportation Investment Management  
Bureau of Aeronautics  
P.O. Box 7914  
Madison, Wisconsin 53707-7914  
(608) 266-3351

<http://www.dot.state.wi.us/library/publications/topic/aviation-publications.htm>

## TEAMWORK

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The airport development process involves teamwork between the Federal Aviation Administration (FAA), the Wisconsin Department of Transportation (department), Bureau of Aeronautics (bureau), and the airport sponsor (owner) from initial planning to project completion. It is very important to understand the vital roles of both the airport owner and the bureau. **Before you proceed to work toward an airport development project, we recommend you read this entire handbook to get a complete understanding of the teamwork involved.**



# UNDERSTANDING OUR ROLES IN AIRPORT DEVELOPMENT

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## The airport owner's role

The airport owner is the driving force for individual airport development projects. The bureau will provide technical advice, but the decision to initiate an airport improvement project and see it through, ultimately belongs with the airport owner.

## The state government's role

The bureau is responsible for assisting in the development of a system of airports to support the aviation needs of the citizens of the state. To do this, the bureau guides airport development through a process that begins with broad policy planning and includes progressively more detailed elements of system planning, airport master planning, programming, and finally individual airport development. Through an agreement with the airport owner, the bureau oversees project planning, coordination, design, land acquisition and construction, as well as all financial transactions for an airport project.

## The federal government's role

The federal government provides federal funding for airport improvement projects through the FAA's Airport Improvement Program (AIP). The AIP is funded from the federal aviation trust fund for the purpose of improving the nation's aviation infrastructure.

## SYSTEM PLANNING AND PRIORITIZING

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Airport system planning is the process that identifies the system of airport facilities needed to meet the future aviation needs of the nation and the state. These system plans are the framework around which funding decisions are made.

The FAA's *National Plan of Integrated Airport Systems* (NPIAS) and Wisconsin's *State Airport System Plan* (SASP) serve as the system plans for the nation and the State of Wisconsin.

- At the federal level, the NPIAS identifies a system of airports throughout the country the FAA considers is necessary for a national air transportation system. These airports are then eligible to receive federal funding.

The FAA has specific requirements to justify inclusion in the NPIAS. Wisconsin currently has 87 airports in the NPIAS (See Appendix 2). These airports are eligible for federal aid for airport improvement projects.

- At the state level, the SASP identifies airport needs such as runway extensions, new runways, navigational aids, and pavement replacements over a 20-year period. The airports identified in the SASP are eligible to receive state funding for airport improvements. This plan expands beyond the NPIAS to include additional airports that would best serve the balanced air transportation needs of the state.

The State Airport System currently comprises a wide range of airports in the state that consist of eight commercial service airports and 90 general aviation airports. See Appendix 2 for a complete list of Wisconsin's NPIAS and SASP airports.

## FUNDING

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Funding assistance for airport improvement projects may come from federal aid, state aid or the state's Advance Land Acquisition Loan Program. Following is a discussion of these three types of funding:



### Federal financial aid- Airport Improvement Program (AIP) funds

The FAA provides federal aid grants to Wisconsin in two ways:

1. Individual grants to primary commercial service airports, and;
2. a block grant to the department.

The department then administers the funds to construct projects at eligible general aviation airports. Wisconsin is one of ten states that

receive federal financial aid through the federal block grant program.

### **Primary commercial service airports**

A primary commercial service airport is an airport that has scheduled air carrier service and enplanes 10,000 or more passengers annually. These airports receive individual grants from the FAA through the bureau based on the number of annual enplanements, and the landed weight of cargo handled at that airport. The airport owner may use these funds for any federally eligible work to be undertaken on the airport.

Airports in this category can also compete for additional funds, called discretionary funds. These funds are awarded using a national priority rating system. The amount of discretionary funds that flow into Wisconsin varies each year based on the national priority for funding of projects requested.

The federal share on individual grants issued to primary commercial service airports is generally 90 percent. Exceptions include 80 percent for noise projects and 75 percent for development projects at General Mitchell International Airport. The state and the airport owner usually divide equally the remainder of eligible project costs.

### **General aviation airports**

General aviation airports comprise the largest single group of airports in the U.S. airport system. General aviation airports host a wide range of aviation activities and include all segments of the aviation industry except scheduled airline activity. Activities range from pilot training through sport, recreation and personal flying to business related corporate and charter flying. Aircraft used at general aviation airports range from one-seat, single engine piston aircraft to the long-range corporate jet aircraft.

Federal financial aid for general aviation airports is awarded to the state annually through a block grant. The state distributes these funds for airport improvement projects through individual funding allocations or “findings” (see Appendix 1 for definition). These funds are used to hire engineers, planners and contractors to accomplish the project. Under the block grant

program, the distribution of funds within the state reflects statewide aviation priorities.

The types of funding included in the block grant are general aviation entitlement, general aviation apportionment, and general aviation discretionary funding.

- **General aviation entitlement funding**

When the AIP is funded by Congress, general aviation entitlements are generated. The formula for computing these entitlements is 20 percent of the five year cost of the need listed for a particular airport in the most recently published NPIAS, with cap of \$150,000 per year.

Wisconsin currently has 78 general aviation airports that are eligible for these funds. Funds awarded can only be used for eligible projects and may be banked for up to three years and applied toward a project at that time. These funds can also be co-mingled with apportionment and discretionary funds.

General aviation entitlement dollar amounts for each airport are based on airport improvement projects included in FAA’s Airport Capital Improvement Program. The bureau submits projects for inclusion based on work the airport owner has petitioned for or included in the airport’s statement of project intentions document. The statement is formally requested of all general aviation airports and is due by July 1 of each even-numbered year. This submittal is also used to develop the bureau’s Five Year Improvement Program. To maximize federal entitlement dollars it is necessary that the airport submit its statement of project intentions in a timely manner.

Projects that have been identified to receive general aviation entitlement funding must go through the normal petition process.

The federal share of eligible general aviation entitlement projects under this program is 95% for funds granted before 2012 and 90% for funds granted 2012 or later. The state and the airport owner usually divide equally the remainder of eligible project costs.

- **General aviation apportionment funding**

General aviation airports receive 18.5 – 20 percent of the annual AIP obligation. Of this

amount, a direct apportionment will be made to general aviation airports as general aviation entitlements. The remaining funds in this category are apportioned to the states by a formula based on area and population.

For general aviation block grant airport projects, funded with general aviation apportionment money, the federal share is again 95 percent for funds granted before 2012 and 90 percent for funds granted 2012 or later. The airport owner's and the state's share are each either 2.5 percent or 5 percent, depending on what year the federal money was granted. By state law, the state cannot contribute more money than the airport owner on federal aid projects. If federal funds are exhausted, the remaining costs are shared 50 percent state, 50 percent airport owner. This also applies to non-federally eligible work included in a federal aid project.

- General aviation discretionary funding

After apportionments are set aside the remaining funds are referred to as discretionary funds. Discretionary funds are of two types. One type is discretionary set-aside funds which include noise compatibility planning and noise compatibility programs. The other type consists of those funds remaining after apportionments are made and the set-asides are accommodated. Of these remaining funds, 75 percent is to be used for preserving and enhancing capacity, safety, security and carrying out noise compatibility planning and programs at primary and reliever airports. The remaining 25 percent may be used for any eligible project at any airport.

### **Federal financial aid – facilities & equipment (F&E) funds**

The FAA provides federal aid for airport improvements through the facilities and equipment (F&E) Program. This funding is separate from the AIP and is administered by FAA's Air Traffic Organization (ATO). The F&E program funds navigational aids and air traffic control towers, typically 100 percent of project costs. FAA's ATO usually initiates and develops these projects. These funds are available to commercial service and general aviation airports.

### **State financial aid**

All publicly-owned airports and federally-designated privately-owned reliever airports are eligible for state financial aid. However, the state's designation of airport classification in the SASP determines the extent to which an airport can be developed with these funds. Development beyond these guidelines may not be eligible for funding depending upon the justification of need for the specific development. This determination is made on a case-by-case basis.

State financial aid is available through the bureau, and is provided by the issuance of a finding approved by the Governor. Appropriation of funds depends on individual airport needs and bureau priorities.

For projects receiving federal financial aid, the airport owner and bureau share equally the non-federal costs.

For projects not involving federal financial aid, the state normally pays:

- 80 percent of the cost of eligible airside and landside development, and;
- 50 percent of some planning projects.

The state's contribution toward the cost of eligible buildings is limited to \$1.25 million. The state cannot participate in the cost of hangars.

### **Advance Land Acquisition Loan Program**

The Advance Land Acquisition Loan Program was created to lend state funds to the owners of public-use airports included in the SASP. These funds are used for purchasing land essential for airport development and approach protection.

*It is bureau policy that all land needed for airport development projects seeking state or federal aid be purchased prior to funding approval.* The program is available to airport owners to assist them in meeting this requirement. It also assists airport owners to purchase properties when they come up for sale and the airport owner has not budgeted for the purchase. The program operates as a revolving fund,

where loan repayments are made available for future loans.

Acquisition of land before receipt of federal financial aid allows construction to begin at the earliest possible date, and minimizes the need for funding amendments caused by land cost overruns.

In addition to property acquisition costs, other costs associated with the project are eligible for loans through this program. These costs include:

- feasibility studies;
- land surveys;
- airport layout plan updates;
- environmental studies (including agricultural impact statements);
- project plans and specifications;
- other incidental expenses of acquisition such as appraisals, relocation plans, and hazardous materials surveys, and closing costs;
- legal services associated with land acquisition.

Loans are available for up to 80 percent of eligible costs, for a maximum term of five years, with simple interest payable annually at the rate of four percent on the unpaid balance.

The airport owner must provide 20 percent of the estimated eligible project costs up front.

## **Funding flow**

For land-loan projects, the airport owner's share of the project is used to begin the preliminary work. The funds for the preliminary work are then applied to the airport owner's share of the land-loan and ultimately the state or federal aid project. This procedure allows work to begin on a project before state or federal airport development funds are available.

As previously stated, funds for preliminary work are also applied to the airport owner's share. In some cases, a third party (i.e., private corporations, individual) may donate funds toward the airport owner's share. The airport owner must commit their share of the project funds before state and federal funds can be secured.

An airport owner may include one or several listed items in a request for financial aid. Funding consideration is given for each work item listed. Priority is given to work that will enhance safety or keep the airport operational.

## **FIVE YEAR AIRPORT IMPROVEMENT PROGRAM**

Even though a work item may be eligible for funding, it does not guarantee funding, or funding on the airport's stated schedule. The bureau always has more funding requests than it can cover. The state and federal priority systems help the bureau make decisions about what work to include in the Five Year Airport Improvement Program, as well as the schedule of work included.

The Five Year Airport Improvement Program is the bureau's tool for scheduling individual airport projects that are eligible for federal and state assistance. Projects with the highest priority will be included in the program for early consideration. The first two years of the program's five year schedule primarily includes projects that have been formally petitioned by the airport owner. Many of the projects in the last three years of the program are tentative. The program is dynamic in that it changes due to fluctuating funding levels at federal, state and local levels of government.

## **INITIATING A PROJECT INTO THE PROGRAM**

There are three ways to include a project in the Five Year Airport Improvement program:

### **1. Statement of project intentions**

State statute requires airport owners to submit their statement of project intentions to the bureau by July 1 of each even-numbered year. The bureau sends out requests for the statement of project intentions from each airport eligible for state or federal financial aid. This provides the bureau with an indication of future projects for which it can begin to plan. Inclusion of improvements in a statement of project intentions does not obligate the airport owner to make the improvements, nor does it constitute a formal request to the bureau to fund them.

After the bureau has received all the project intentions, **eligible** airport development projects are then prioritized. Federal and state ranking systems are used to select specific projects for federal or state funding assistance from among all submitted project intentions. The projects selected reflect the bureau's judgment of a balance among the competing requests for airport improvement funding in light of identified needs, revenue resources and constraints, and social, economic and environmental impacts. The program will include the projects given the highest priority. Because many airports are competing for limited funds, a legitimate project may be delayed in the program.

## 2. Petition resolution

Projects identified in a statement of project intentions cannot be included in the first two years of the Five Year Airport Improvement Program until formally initiated through a petition resolution (see Appendix 3). The governing body owning the airport passes this resolution. Projects that have been requested by resolution are scheduled in the program based on eligibility, priority, and availability of state, federal and local funds. The program also takes into account the time needed to accomplish preliminary work such as preliminary planning, environmental studies, design and land acquisition. A formal petition does not obligate the airport owner to make the improvements nor is it a commitment of funds to the airport.

## 3. State Airport System Plan

A third method of inclusion in the latter years of the program is through identification of need through the SASP. Projects included in the program through this method serve as a reminder to airport owners of the needs identified for their airport.

Inclusion of a project in the program **does not** guarantee funding on this schedule. All entries into the program are based on assumptions about available federal, state and local revenues; cost estimates; environmental approval; and airport owner desires.

## GETTING STARTED

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**The petition process should begin three to five years before construction is desired, depending on the complexity of the project.**

We highly encourage airport owners to communicate with the bureau prior to beginning the petition process. The bureau can help the airport owner formulate a complete project plan, identify possible issues that may arise, discuss options and provide other information and forms prior to adopting a petition resolution.

### Pre-petition public hearing

State statute requires the airport owner to hold a public hearing. Public hearings solicit public input on the proposed development as early as possible and give all affected parties the opportunity to participate. Before adopting a petition resolution for state and federal airport aid a public hearing must be accomplished.

### Public hearing notice

The airport owner must publish a Class 1 legal notice in the local legal **newspaper at least 10 days prior** to the public hearing. All work items the airport owner wishes to petition must be advertised and addressed in the public hearing.

The airport owner should distribute copies of all hearing notices to the bureau, each land owner affected by the proposed development and to any other interested parties.

### Public hearing guidelines

A representative of the airport owner or any other appropriate person may conduct the hearing. Several hearing guidelines should be followed:

1. Post an exhibit showing the airport improvement and any proposed land acquisition.
2. Advise attendees that testimony should be relevant and factual.

3. Inform attendees that written statements and exhibits will be accepted with a final date for receipt of these specified.
4. Prepare a typewritten transcript or outline of the hearing.

**Note:** The bureau recommends the airport owner hold a public information meeting before the pre-petition hearing for proposed projects that involve more than three land owners, or which may generate economic, social or environmental controversy. The format of the information meeting can be less formal than the pre-petition hearing and structured to provide information to concerned citizens. Bureau staff will not testify at public hearings, but at the airport owner's request, may attend a public information meeting to answer questions.

### **Petition resolution**

Following the pre-petition public hearing, the local governing body or bodies that own the airport must pass a resolution petitioning the Wisconsin Department of Transportation Secretary for federal and/or state aid. If an airport commission passes a petition resolution, the airport owner must pass a resolution ratifying the commission's petition.

### **Submitting a petition package**

After the petition resolution is passed, the petition package, which consists of the following, is submitted to the bureau:

- the transcript or outline of the pre-petition hearing proceedings;
- a sketch of the proposed work;
- a copy of the published legal notice of the hearing and affidavit of publication;
- the petition resolution adopted by the governing body;
- two copies of the agency agreement between the department and the airport owner; signed by two airport owner representatives designated in the petition resolution, and;
- a stated need for the project.

Submittal of a petition package to the bureau does not obligate the owner to make the improvements requested.

### **Eligibility statement**

The eligibility statement is the bureau's official response to the airport owner's petition for state or federal aid. This statement reviews each item of work identified in the petition resolution and determines eligibility of each petitioned item. For a proposed project to receive a favorable recommendation need for the project must be documented. Documentation could include:

- SASP or NPIAS inclusion;
- a comprehensive airport master plan;
- a project feasibility study, or;
- documented need statements from the airport owner or airport users.

Master plans and feasibility studies often are not available or up-to-date at this point in the process. The airport owner may need to submit a petition requesting funding assistance for a plan or study before a project can be justified. Planning studies are discussed in the project development section.

### **Agency agreement**

The agency agreement (see Appendix 3), submitted with the petition resolution, designates the Wisconsin Department of Transportation Secretary as the airport owner's agent. The agreement empowers the bureau to enter into contracts and to accept and disburse funds on the airport owner's behalf. The agreement is implemented by the bureau director when an eligibility statement is approved and initial work is ready to begin.

With assistance and guidance from the airport owner, the bureau handles most project tasks. These could include:

- hiring consultants for planning; environmental and engineering needs;
- acquiring land;
- applying for federal aid;
- advertising for bids;
- awarding and administering construction contracts, and;
- project financial accounting.

## Keeping your airport safe, financially sound and well maintained

In signing the petition resolution and the agency agreement, the airport owner agrees to maintain and operate the airport in accordance with Wisconsin Administrative Rule TRANS 55, “Conditions of State Aid for Airport Improvement” and with federal grant assurances.

Adoption of TRANS 55 protects the public by ensuring that publicly funded investments in airports, once constructed, are maintained in a safe, serviceable, and financially sound way that supports and provides value to public infrastructure development. TRANS 55 obligates the airport owner to:

- cooperate in the completion of the project;
- light, operate, and maintain the airport in a safe and serviceable condition in accordance with minimum standards for a 20-year period;
- clear and protect the aerial approaches to the airport;
- hold good title to the airport;
- adopt height limitation zoning, minimum aeronautical services standards and vehicular control ordinances;
- provide suitable aircraft parking areas, and;
- refrain from granting exclusive rights or leases.

Projects involving federal aid also must adhere to federal sponsor assurances and Wisconsin Administrative Rule Trans 55 (see example on <http://www.dot.wisconsin.gov/localgov/docs/airport-petition.pdf>). While federal assurances are much more detailed, if an airport meets its obligations to the state, it will most likely also conform to the federal assurances. The airport owner should talk with their bureau project manager for more detailed information on these assurances.

## Project development

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The time from the initiation of a project to its construction depends on the complexity of the project and availability



of funds. A simple project can be conceived, designed and constructed in two to three years. Land acquisition can add one or more years. An environmental assessment can add several years.

Unforeseen delays at the federal, state and local levels can stretch the project out even longer.

**The average project takes five to six years from inception to close-out.** One simple way for the airport owner to prevent delays on their project is to designate one local contact person to represent the owner in its communication with the bureau during the project.

## Planning studies

After the proposed improvement is determined to be in accordance with state and federal system plans, further planning studies are often needed to refine the project scope to meet the airport’s needs and assure prudent use of public funds. A planning study can take the form of an airport layout plan, a feasibility study or a master plan.

To be eligible for state or federal funding, airport improvements must be shown on an approved airport layout plan (ALP). An ALP is a set of engineering drawings that show existing and proposed airport facilities for a 20-year planning period. It is often necessary to update the layout plan to include changes in proposed improvements. Showing improvements on an airport layout plan neither guarantees that they will be funded or built, nor does it obligate the airport owner to build them; however, development in accordance with the ALP does help assure the airport will be developed in an orderly fashion that does not preclude future development of needed facilities.

More complex projects may need a feasibility study to define needs, identify and evaluate alternatives, and recommend the best solution. A feasibility study would also provide such information as preliminary cost estimates and land requirements and a general environmental overview.

An airport master plan is a report that analyzes an airport’s growth and identifies the additional facilities needed to accommodate that growth over the next 20 years. These plans usually include an airport layout plan.

## Consultant selection

After approval of the project eligibility statement the project is programmed and financial arrangements are solidified. The bureau then advertises for a consulting engineer to perform planning, design, construction or other related engineering services necessary for the project administration. The selection of consultants is based on their qualifications, experience and workload. The selection committee is comprised of bureau personnel and a representative of the airport owner.

## Environmental issues

Wisconsin and national environmental policy acts require that the economic, social and environmental impacts of a proposed airport improvement project be determined as a prerequisite to receiving state or federal funding.

The environmental action that must be taken depends on the type of project and the extent of the environmental impact. These environmental actions are described next.

- **Categorical exclusion** This applies to projects involving minor impacts or no impacts outside the airport, such as runway reconstruction, installation of runway lights and beacons, and landscaping. The processing time varies from one week to several months.
- **Environmental assessment (EA)** This applies to projects with potential for more significant impacts. Typical projects requiring an EA include:
  - \* construction of a new runway;
  - \* major runway extensions;
  - \* major terminal expansions;
  - \* installation of an approach lighting system;
  - \* development of a new airport site, and;
  - \* the purchase of land for those purposes.

As an agent for the airport owner, the bureau arranges for the preparation of an EA. The time required for preparation and approval varies from several months to two years or more, depending on the complexity

of the project, the extent of the impacts and the project controversy. If a project does not have significant impacts, a Finding of No Significant Impact (FONSI) can be issued by the bureau and WisDOT Technical Services Section on state aid and block grant projects. FONSI on primary airport projects are issued by the FAA.

## **Environmental impact statement (EIS)**

If an EA documents that a project has significant impacts, an EIS may be required. Projects that require an EIS could involve significant noise impacts on residential areas, a new air carrier runway, or a new airport. In addition to the time required to process an EA, an additional year may be required to process an EIS. The FAA has final approval authority on an EIS, as well as ongoing approval of various steps throughout the process.

## **Environmental public hearing**

Projects involving an EA or EIS require an offer of environmental public hearing. A hearing officer, with experience holding such hearings, conducts the environmental public hearing. The purpose is to consider the economic, social and environmental effects of the proposed development and its consistency with the goals and objectives of local planning agencies.

The bureau publishes a legal notice at least 30 days prior to the hearing date and advises the public where they can examine the preliminary environmental assessment report. The final environmental document addresses the testimony given at the hearing and subsequent information submitted within reasonable time after the hearing.

Prior to the environmental public hearing, an information meeting is generally held to inform the general public about the scope of the proposed project. This meeting provides an opportunity for citizens to have their questions answered in an informal setting. This public information meeting should be similar in format to the meeting held before the pre-petition hearing.

## **Agricultural impact statement**

An agricultural impact statement (AIS) is required if more than five acres of any farm must be acquired, or if the project adversely affects a farming operation. The bureau must send to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), details about the agricultural lands to be taken. DATCP, in turn, will prepare an AIS. In the preparation of the environmental documents, consideration is given to the effects on agricultural lands and the results of the AIS. DATCP has 60 days to prepare an AIS. Upon receiving all necessary information negotiations can begin 30 days after the AIS is published.

## **Hazardous materials site assessment**

Before title to any property is secured, all lands to be purchased for the project should be investigated for potential contamination by hazardous materials. Hazardous materials most commonly found are chemical components of gasoline or diesel fuel. Early detection of contamination is essential to permit timely consideration of options for avoidance or remediation.

The bureau hires a consultant who specializes in site assessment and remediation to conduct a hazardous material site assessment on the airport owner's behalf. Remediation is NOT a project eligible cost.

## **Engineering plans and design specifications**

Once the environmental review is complete, an engineering consultant prepares plans and specifications for project construction after approval of the environmental document.

The consultant and the bureau will hold meetings with the airport owner and other interested parties throughout the preparation of the plans and specifications to ensure an appropriate and economical design. Final plans and specifications must be submitted to the bureau for approval at least 60 days prior to the proposed bid opening date.

## **Airport users conference**

Early in the preparation of the plans and specifications, the consultant will conduct an airport users conference to acquaint airport tenants, air carriers, the airport manager and other interested parties with the project. Participants will discuss the scope of the proposed project, inconveniences which may occur during the construction process, and alternatives for keeping the disruption of airport operations to a minimum. The FAA requires a users conference on federal aid projects and the bureau highly recommends the conference for state aid projects.

# **LAND ACQUISITION**

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## **Determination of land requirements**

Airports acquire land and airspace to provide for the safety of airport users and nearby property owners, and to protect the public investment in airport facilities. The bureau and the airport owner determine land needs for an airport project. Land surveys are prepared to measure and depict the land interests needed. An Exhibit A project map, showing the proposed land acquisition, is also prepared.

## **Appraisals**

The bureau obtains an appraisal for each parcel to be acquired. An independent "review" appraiser prepares an appraisal review, which involves a thorough check of the appraisal and the appraisal process. The bureau establishes a recommended purchase price for each parcel of land or easement based on the appraisal and appraisal review.

## **Negotiations**

Negotiations for land acquisition begin with a written offer which may not be less than the appraised fair market value of the property as determined above. The property owner is given 60 days to have a separate appraisal prepared and is reimbursed for reasonable appraisal costs. These two appraisals form the basis for negotiating a settlement. Any negotiated settlement may be appealed to the county condemnation commission or circuit court within six months of closing.

## Acquisition by eminent domain

If negotiations are unsuccessful, the airport owner can acquire the property under the eminent domain (condemnation) statute, Section 32, Wis. Statutes. The bureau works with the airport owner's attorney in the preparation and service of all legal documents involved. Title of the property is legally transferred to the airport owner after all documents have been served, recorded and payments made.

The property owner has **two years** to take action to appeal for additional compensation to a circuit court or to the county condemnation commission. The bureau works with the airport owner to retain an attorney with expertise in litigating eminent domain cases to represent the airport throughout the legal process. The bureau works closely with legal counsel in coordinating and preparing for any such hearings.

## Relocation assistance

If the project includes acquisition of a house, farm operation or a business, the occupants of the acquired property may be entitled to certain benefits as prescribed under federal and state relocation law. These benefits may include replacement payments, moving costs and other costs necessary to assist displaced persons in relocating to a new site. The bureau hires a relocation specialist to prepare a relocation plan. The plan ensures that displaced persons will receive relocation services and be fairly and equitably paid for relocation expenses. Relocation benefits are computed based on the relocation plan, the amount paid for acquisition, and the cost of the replacement house, farm or business.

## AIRPORT CONSTRUCTION

### Project construction bids

Upon completion of all planning, environmental studies, engineering design, land acquisition and assurance of federal, state and local funding the bureau advertises for construction bids. Bids are normally opened monthly at the bureau's office. Bid openings are open to the public and airport representatives are welcome to attend.

A review and analysis of the bid documents is completed. If the work can be completed within

the project funding limits the contract is awarded to the lowest responsible bidder.



King's Land O'Lakes Airport, Land O'Lakes

## Finding

After construction bids are taken, the bureau prepares a finding and forwards it to the Governor for approval.

A finding:

- describes the project;
- gives air and water quality assurances;
- commits **state funds, federal block grant, or discretionary funds at general aviation airports** if appropriate to the proposed project;
- states the amounts of federal, state, and airport owner funds which are required for the project, and;
- is signed by the Governor.

A "directive" is an amendment to a finding and is approved by the Wisconsin Department of Transportation Secretary if additional state or federal block grant funds are needed.

## Grant offer

Up to this point in the project, **federal** funding has not been guaranteed on **primary commercial service airport projects**. The federal dollars become available through a

federal grant offer. The FAA issues the grant offer based on bids for construction projects, detailed cost estimates for planning projects and appraisals or acquisition costs for land purchases. The bureau reviews and accepts the grant offer on behalf of the airport owner. The grant agreement is a binding document that requires the airport owner to comply with stated “assurances.” The FAA will reimburse construction costs if they can be paid for with entitlement funds; however, not with discretionary funds.

### **Grant offer approval**

After the bureau director accepts the grant offer, on behalf of the owner of a primary commercial service airport, the bureau asks the airport owner’s corporation counsel to sign a “Certification of Sponsor’s Attorney.” This document certifies that the grant has been approved in accordance with applicable state and federal laws.

### **Grant amendments**

The bureau may request that a grant amendment be issued if project costs exceed the grant. The amendment may increase the federal share by up to 15 percent of the amount of the original grant agreement. Grant amendments are not used to expand the scope of the project. FAA generally issues a grant amendment only when all work is completed and the project is ready for financial closing. Thus, state and local funds must be used for costs incurred over and above the grant amount until final financial closing of the project.

### **Contracts**

After award to the lowest responsible bidder, the contract and the performance and payment bond is sent to the contractor for execution. The performance and payment bond is sent to the airport owner for review and bond approval. The bureau signs the construction contract, as agent for the airport owner.

At this point the funding has been secured and the bureau signs the contract and issues a notice to proceed. The bureau secures the services of a consulting engineering firm to provide the necessary construction inspection management, resident engineering, and testing services.

### **Pre-construction conference**

The construction engineering consultant conducts a pre-construction conference before work begins. Participants may include representatives of the bureau, contractor, consultant, airport owner, FAA, DNR and the airport users. The purpose of the conference is:

- to discuss airport operations, security, and safety practices which will be implemented during construction;
- to discuss the federal requirements by which contractors and subcontractors must abide, including federal wage rates and equal employment opportunities, and;
- to coordinate work schedules and construction phasing.

### **Monitoring construction**

The consulting engineering firm is responsible for ensuring the progress and the quality of the contractor’s work. The firm can also function as a liaison between the contractor and the airport owner. During the course of construction, bureau personnel make periodic inspections to monitor the adequacy of engineering services and the construction. Upon completion of the work, the consulting engineer, contractor, bureau and airport owner conduct a final inspection for final acceptance and final payment. The contractor is responsible for faulty material or workmanship within a period of one year after the date of final acceptance.

### **Project completion**

The bureau maintains a complete financial record for each project and disburses funds during the course of the work. After completion and acceptance of all construction, all record drawings and certifications have been submitted, land purchased and clear title is established, the bureau:

- requests final contract billings from any firm that has been involved in the project and makes final payment, if needed;
- settles financially with the FAA and divides the remaining costs between the airport owner and the state according to established participation percentages.

- settles financially with the airport owner after supplying a final financial statement; and,
- closes the financial record on the department financial accounting system.

### **Airport owner responsibility**

The consultant engineer, the bureau and the airport owner accepts the completed construction project. The airport owner takes responsibility for the operation and maintenance of all facilities and property included in the project. The owner also needs to inform the bureau of any warranty work that needs to be accomplished within the one year period.



Rusk County Airport, Ladysmith

## APPENDIX 1 - DEFINITIONS

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**Advance Land Acquisition Program (Land Loan Program).** A program that lends state funds to owners of public-owned airports for acquisition of land essential for airport development and for approach protection.

**Agency agreement.** An agreement between the airport owner and the department. It empowers the department to act for the airport owner in the receipt and disbursement of funds, the supervision of the preparation and execution of legal documents, the supervision of the preparation of plans, specifications and the letting of contracts, the making of periodic inspections of construction, and the performance of incidental administrative acts and coordination necessary for the successful accomplishment of the project within the laws of the state and the charters, laws, ordinances and resolutions of the airport owner.

**Airport layout plan (ALP).** A set of engineering drawings showing existing and proposed airport facilities.

**Airport master plan.** A report that analyzes an airport's growth and identifies the additional facilities needed to accommodate that growth over the next 20 years. Master plans are usually a standalone project and most appropriate for larger airports, with complex facilities and multiple services. Master plans usually include an airport layout plan.

**Airport owner.** The county, city, village, township, corporation or other entity which owns and operates a public-use airport. The airport owner is also referred to as the airport "sponsor."

**Eminent domain.** A governmental right to acquire private property for public use by condemnation and the payment of just compensation.

**Exhibit A Map.** A map that identifies land proposed to be purchased for a project.

**Finding.** A document approved by the Governor which allocates state and/or federal block grant funds to the proposed project. It describes the project, gives air and water quality assurances and states the amount of federal, state and airport owner funds required for the project. A finding also shows that, prior to financial settlement; the airport owner has complied with the conditions of TRANS 55.

**Five Year Airport Improvement Program.** A bureau tool for scheduling individual airport projects eligible for federal and state assistance.

**National Plan of Integrated Airport System (NPIAS).** Identifies a system of airports throughout the country which the FAA considers are important to national transportation and are eligible to receive grants for airport improvements.

**Petition resolution.** A resolution passed by the governing body owning the airport which formally petitions for federal and/or state aid for an airport project.

**State Airport System Plan (SASP).** A planning document which identifies state airport needs and the criteria for runway extensions, new runways, navigational aids, and pavement replacements over a 20-year period.

# APPENDIX 2- LIST OF NPIAS/SASP AIRPORTS IN WISCONSIN

<b>WISCONSIN NPIAS/SASP AIRPORTS</b>		
	<b>ASSOCIATED CITY</b>	<b>AIRPORT NAME</b>
<b>COMMERCIAL SERVICE AIRPORTS</b>		
1	Appleton	Outagamie County Regional
2	Eau Claire	Chippewa Valley Regional
3	Green Bay	Austin Straubel International
4	La Crosse	La Crosse Municipal
5	Madison	Dane County Regional
6	Milwaukee	General Mitchell International
7	Mosinee	Central Wisconsin
8	Rhinelander	Rhinelander-Oneida County
<b>GENERAL AVIATION AIRPORTS</b>		
1	Amery	Amery Municipal
2	Antigo	Langlade County
3	Ashland	John F. Kennedy Memorial
4	Baraboo	Baraboo-Wisconsin Dells
5	Black River Falls	Black River Falls Area
6	Boscobel	Boscobel
7	Boyceville	Boyceville Municipal
8	Brookfield	Capitol
9	Burlington	Burlington Municipal
10	Cable	Cable Union
11	Clintonville	Clintonville Municipal
12	Crandon	Crandon –Steve Conway Municipal Airport
13	Crivitz	Crivitz Municipal
14	Cumberland	Cumberland Municipal
15	Eagle River	Eagle River Union
16	East Troy	East Troy Municipal
17	Ephraim	Ephraim-Gibraltar
18	Fond du Lac	Fond du Lac County
19	Fort Atkinson	Fort Atkinson Municipal
20	Friendship (Adams)	Adams County Legion Field
21	Grantsburg	Grantsburg Municipal
22	Hartford	Hartford Municipal
23	Hayward	Sawyer County
24	Janesville	Southern Wisconsin Regional
25	Juneau	Dodge County
26	Kenosha	Kenosha Regional
27	La Pointe	Major Gilbert Field
28	Ladysmith	Rusk County
29	Lancaster	Lancaster Municipal
30	Land O'Lakes	Land O'Lakes
31	Lone Rock	Tri-County Regional
32	Manitowish Waters	Manitowish Waters
33	Manitowoc	Manitowoc County
34	Marshfield	Marshfield Municipal
35	Medford	Taylor County
36	Menomonie	Menomonie Municipal-Score Field
37	Merrill	Merrill Municipal
38	Middleton	Middleton Municipal-Morey Field
39	Milwaukee	Lawrence J. Timmerman
40	Mineral Point	Iowa County

<b>WISCONSIN NPIAS/SASP AIRPORTS</b>		
<b>GENERAL AVIATION AIRPORTS (continued)</b>		
	<b>ASSOCIATED CITY</b>	<b>AIRPORT</b>
41	Minocqua-Woodruff	Lakeland/Noble F. Lee Memorial Field
42	Monroe	Monroe Municipal
43	Neillsville	Neillsville Municipal
44	New Holstein	New Holstein Municipal
45	New Lisbon	Mauston
46	New Richmond	New Richmond Regional
47	Oconto	J. Douglas Bake Memorial
48	Osceola	LO Simenstad Municipal
49	Oshkosh	Wittman Regional
50	Palmyra	Palmyra Municipal
51	Park Falls	Park Falls Municipal
52	Phillips	Price County
53	Platteville	Platteville Municipal
54	Portage	Portage Municipal
55	Prairie du Chien	Prairie du Chien Municipal
56	Prairie du Sac	Sauk Prairie
57	Racine	John H. Batten
58	Reedsburg	Reedsburg Municipal
59	Rice Lake	Rice Lake Regional-Carl's Field
60	Richland Center	Richland
61	Shawano	Shawano Municipal
62	Sheboygan	Sheboygan County Memorial
63	Shell Lake	Shell Lake Municipal
64	Siren	Burnett County
65	Solon Springs	Solon Springs Municipal
66	Sparta	Sparta/Fort McCoy
67	Stevens Point	Stevens Point Municipal
68	Sturgeon Bay	Door County Cherryland
69	Superior	Richard I Bong
70	Tomahawk	Tomahawk Regional
71	Viroqua	Viroqua Municipal
72	Washington Island	Washington Island
73	Watertown	Watertown Municipal
74	Waukesha	Waukesha County
75	Waupaca	Waupaca Municipal
76	Wausau	Wausau Downtown
77	Wautoma	Wautoma Municipal
78	West Bend	West Bend Municipal
79	Wisconsin Rapids	Alexander Field-South Wood County
<b>SASP ONLY AIRPORTS</b>		
80	Barron	Barron Municipal
81	Tomah	Bloyer Field
82	Boulder Junction	Boulder Junction
83	Cassville	Cassville Municipal
84	Chetek	Chetek Municipal-Southworth
85	Hillsboro	Joshua Sanford Field
86	Madison	Blackhawk
87	Necedah	Necedah
88	Prentice	Prentice
89	Three Lakes	Three Lakes Municipal
90	Wild Rose	Wild Rose Idlewild

Note: The city of Hillsboro is in the NPIAS for a planning study to determine a new airport site or if the existing site can be improved.

# APPENDIX 3 – PETITION RESOLUTION

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*SAMPLE*  
**RESOLUTION PETITIONING  
THE SECRETARY OF TRANSPORTATION  
FOR AIRPORT IMPROVEMENT AID  
BY**

**«councilboard»  
«county» County, Wisconsin**

WHEREAS, the «muni», «county» County, Wisconsin hereinafter referred to as the Sponsor, being a municipal Body Corporate of the State of Wisconsin, is authorized by law (sec. 114.11, Wis. Stats.) to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the Sponsor desires to develop or improve the «airport» Airport, «county» County, Wisconsin,

**"PETITION FOR AIRPORT PROJECT"**

WHEREAS, the foregoing proposal for airport improvements has been referred to the City Plan Commission for its consideration and report prior to council action as required by Wisconsin Statutes Chapter 62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this Resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Chapter 114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, By the Sponsor that a petition for Federal and (or) State Aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with Federal and State Aid or State Aid only, in accordance with the applicable State and Federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a «classification» type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows: «work»; clear and maintain runway approaches as stated in Transportation Administrative Code Chapter 55; and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the Sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the Sponsor by the Secretary; the Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the Sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable federal and state expenditures related to the project shall be paid by the sponsor; and

WHEREAS, the Sponsor is required by law (sec. 114.32(5), Wis. Stats.) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

# APPENDIX 3– AGENCY AGREEMENT

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## SAMPLE

### "DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"

THEREFORE, BE IT RESOLVED, by the Sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under chapter 32 of the Wisconsin Statutes; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the Sponsor requests that the Secretary provide, per Section 114.33(8)(a) of the Wis. Stats., that the Sponsor may acquire the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

### "AIRPORT OWNER ASSURANCES"

AND BE IT FURTHER RESOLVED that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE \_\_\_\_\_ and \_\_\_\_\_ be authorized to sign and execute the Agency Agreement authorized by this Resolution.

RESOLUTION INTRODUCED BY

\_\_\_\_\_ (TITLE)

\_\_\_\_\_ (TITLE)

\_\_\_\_\_ (TITLE)

### CERTIFICATION

I, \_\_\_\_\_, Clerk of «muni», Wisconsin, do hereby certify that the foregoing is a correct copy of a Resolution introduced at a \_\_\_\_\_ meeting of the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, adopted by a majority vote, and recorded in the minutes of said meeting.

\_\_\_\_\_  
Clerk

