

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DTIMBOA48

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBOA48, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBOA48>

2. Mailing written comments to:

Division of Transportation Investment Management
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7913
Madison, WI 53707-7913

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.dot.gov to allow for ongoing comment.

AGENCY CONTACT

Kaleb Vander Wiele
DOTDTIMGuidanceDocs@DOT.WI.GOV



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****Petitioners agree to the conditions listed in these links--please read before petitioning****

Trans 55 - Conditions of State Airport Aid

[Wisconsin Legislature: Chapter Trans 55](#)

Airport Owner Assurances

[Federal Grant Assurances](#)

****Please talk to Mary Strait before beginning the petition process****

<mailto:mary.strait@dot.wi.gov>

**AIRPORT AID
PETITION RESOLUTION CHECKLIST**

Please include the items checked below in your request for airport aid. Any additional information you provide to support the petition will enhance your airport project's priority.

Required	Completed	Document
X		A. Copy of published <u>hearing notice</u> (10 days hearing notice required).
X		B. <u>Affidavit of publication</u>
X		C. Typewritten <u>transcript or outline</u> of public hearing.
X		D. <u>Petition Resolution</u> signed by governing body.
X		E. <u>Agency Agreement and Owner Assurances</u> signed and witnessed (2 copies) (Note that the Resolution authorizes and signers of the Agency Agreement and Owner Assurances)..
X		F. Airport sketch depicting area of proposed work or land acquisition.
X		G. Information in support of petition. Please include a paragraph or more to support the items you are petition for.
		H. Other documentation listed below _____

Please return this form and the petition package to :

**Department of Transportation
Wisconsin Bureau of Aeronautics
Post Office Box 7914
Madison, WI 53707-7914**



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

Scott Walker, Governor
Dave Ross, Secretary
Internet: <http://wisconsindot.gov>

Telephone: 608-266-3351

Facsimile (FAX): 608-267-6748

DATE

NAME

AIRPORT

ADDRESS

CITY, STATE ZIPCODE

AIRPORT NAME Airport Petition Package

Dear **NAME**:

NOTES

I have enclosed the following to get you started on your airport's petition for federal and state aid for an airport development project:

1. Airport Aid Petition Resolution Checklist.
2. Resolution petitioning the Secretary for Airport Improvement Aid.
3. Agency and Assurances Agreement.
4. Chapter Trans 55, Wisconsin Administrative Code.
5. Federal Owner Assurances
6. Sample of the Notice of Public Hearing.
7. Sample of the Affidavit of Publication of the hearing notice.
8. Information on the airport development hearing process.
9. Information to be submitted in support of airport aid petitions.

It may be helpful for you to call **BOA PROJECT MANAGER**, the bureau's project manager for your airport, to discuss your request, to be ensure all needed work items are included. This will help assure no step in the process is missed and avoid the need for a new resolution.

The public hearing is the first step in the petition process. Wisconsin Statutes require at least **ten (10)** days notice of the public hearing is provided by publication of a Class I notice in the local legal paper. It is also imperative that **all** the work items you wish to petition for are listed in the notice and addressed in the public hearing. An affidavit of publication signed by the publisher and notarized is also required. An exhibit showing the location of the proposed work (including land to be acquired) should be made available for inspection at the public hearing. Please include a copy of this exhibit in your petition package to clarify the intent of your request.

The sample hearing notice includes suggested wording for meeting the requirements of the Americans with Disabilities Act (ADA).

After the public hearing, the airport's governing body can pass the petition resolution. The petition resolution authorizes representatives of the governing body to execute the agency agreement and owner assurances. Please return one original copy of the petition resolution and two copies of the agency agreement and owner assurances. A copy of the agency and assurances agreement will be returned to you after it is signed by the bureau director.

Please contact me at (608) 266-7187 or mary.strait@dot.wi.gov with any questions.

Sincerely,

Mary Strait
Airport Program Engineer

Enclosures

102dev.dot/r.01/09/2017

**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 Wis. Stat. §114.11, 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"

(CITIES ONLY) 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 Wis. Stat. §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 Wis. Stat. §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 Wis. Admin. Code Trans §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 Wis. Stat. §114.32(5) 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.

"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 Wis. Stat. §32 .02; 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 Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of 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 Wis. Admin. Code Trans §55, 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 and federal block grant owner assurances 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

**AGENCY AGREEMENT AND
FEDERAL BLOCK GRANT OWNER ASSURANCES**

**Department of Transportation
Bureau of Aeronautics
Madison, Wisconsin**

WHEREAS, the «muni», «county» 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 «airport» Airport project to:

«work»; clear and maintain runway approaches as stated in Wis. Admin. Code Trans §55; and any necessary related work.

WHEREAS, the sponsor adopted a resolution on _____, 20____, 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 (Date)
Bureau of Aeronautics

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.

Sponsor: The «muni», «county» County, Wisconsin

Name

Title

Date

Name

Title

Date

**NOTICE OF PUBLIC HEARING
IN THE MATTER OF STATE AND FEDERAL AID
FOR THE IMPROVEMENTS AT**

(Airport Name)

(Airport Location)

The Town/Village/City/County of _____ is considering petitioning the State of Wisconsin, Department of Transportation, for state and federal aid to undertake the following development at the _____ Airport (list development items as they will appear in the airport aid petition):

Notice is hereby given that the Town/Village/City/County of _____ will hold a public hearing at (Time) on (Date) in (Location).

All interested persons are invited to attend and present their views on the need for the proposed airport development.

Parking for people with disabilities and an accessible entrance are available (Location Relative to Building). Please call (Municipality) at (Phone) (Days) days in advance of the hearing to make specific accessibility requests.

*** OPTIONAL PARAGRAPHS***

Additional written testimony may be filed with the Town/Village/City County of _____ if received within ten (10) calendar days after the date of the public hearing. Such testimony should be directed to (Name and Address).

As an information service, representatives from the (Town/Village/City/County) and the Wisconsin Bureau of Aeronautics will be available for informal discussion and review of the proposal on (Date), at (Location) from (Time) to (Time).

(Authority)

(Signature)

Published in the : (Newspaper)

Date: (Publication Date)

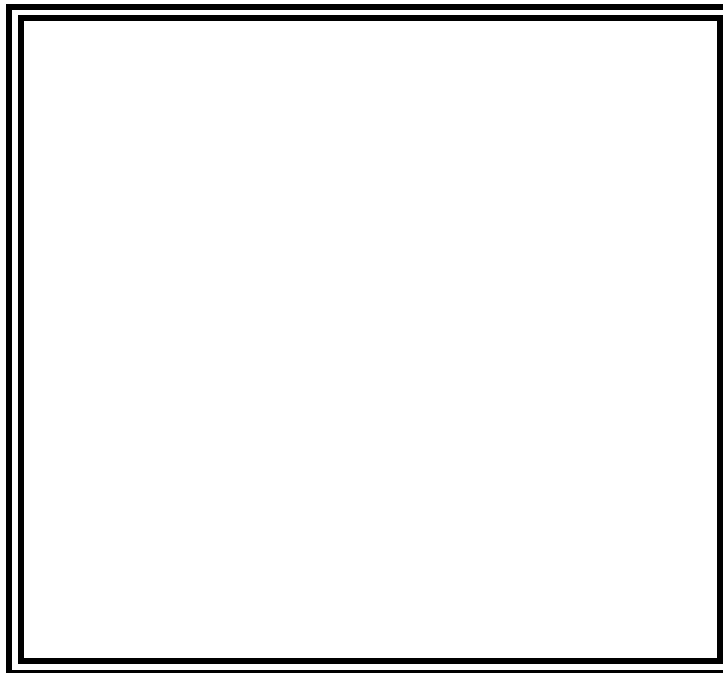
AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN-SS.

COUNTY OF (County)

(Person), being duly sworn, deposes and says that he (she) is an authorized representative of the (Name of Newspaper), a (Weekly/daily) newspaper published at (Municipality), the seat of government of said county, and that an advertisement of which the annexed is a true copy, taken from said paper, was published in a regular issue on (date)

Attach news clipping here



Signed: _____

Title: _____

Subscribed and sworn to before me this (day) day of (month), (year).

Notary Public,
(County) County, Wisconsin

My commission expires: (Date)

PRE-PETITION HEARING PROCESS

I. Requirements for Hearings

As the result of the National Environmental Policy Act of 1969 and Airport and Airway Development Act of 1970, and in accordance with Federal Aviation Regulations, part 152.73 and Wisconsin Statutes Sec. 114.33, the State of Wisconsin has provided opportunity for citizen participation in airport development through the public hearing process.

There are two types of public hearing that may be held in connection with an airport development project. They are the locally-held airport aid hearing, and the environmental hearing which is conducted by the Bureau of Aeronautics.

The Bureau recommends that a public information meeting be held prior to public hearings for those projects which involve more than three airport owners, or generate economic, social or environmental controversy. The information meeting shall be conducted by the airport sponsor, with the Bureau providing technical expertise as required.

II. Notice

Legal notice for the local airport aid hearing shall be published by the airport owner at least 10 days before the date of the public hearing. Copies of all hearing notices should be distributed to the Bureau of Aeronautics and to other interested parties.

The airport owner has a responsibility to see that each land owner who may be affected by the proposed development receives a copy of any hearing notice.

III. Conduct of Public Hearing

The Bureau has no specific requirements as to who conducts that local airport aid hearing; it may be the airport owner or some impartial person or organization. In many cases, local consideration may dictate how and by whom the hearing shall be held.

The public hearing should be held at a place and time generally convenient for persons affected by the proposed project.

At the outset of the hearing, participant and attendees should be informed that written statements and other exhibits in place of, or in addition to, oral statements at the hearing may be submitted. A final date for receipt of such statements or exhibits should be specified.

Free and open discussion and presentation of views germane to the purpose of the hearing are allowed. Proceedings are informal, and presentations should not be subject

to cross-examination. Witnesses should present information and data illustrating the need, or the lack thereof, for the project; and adverse effects the project or the airport may have on the community. Testimony should be relevant, factual and non-repetitive.

IV. Transcript or Outline of the Public Hearing

A typewritten transcript or outline of the proceedings at the hearings must be made. If an outline of the hearing is prepared, it should include, but is not limited to, the following: date, time and location of the hearing; chairperson of the hearing; names of people who speak in favor or opposed to the proposed project; and in general what is said. The transcript or outline may incorporate written statements, exhibits, and other pertinent matter used or filed in connection with the hearing.

V. Summary

The public hearing process is one of many steps involved in the development of an airport, but one of the most important. We must ensure that the public is afforded adequate opportunity to be heard regarding the economic, social and environmental effects of the proposed improvements, and their consistency with the goals and objectives of such urban planning as has been carried out by the community. These hearings give the public the opportunity to participate in the planning and decision-making process in the development of airports.

The Bureau may provide information, forecasts, data, and technical assistance relative to the proposal to any interested parties.

INFORMATION IN SUPPORT OF AIRPORT AID PETITIONS

The checklist below lists information the airport owner may wish to submit to the Bureau of Aeronautics to show the economic and aeronautical need for the improvements desired at their airport. Any additional information not covered in this checklist that is deemed important by the airport owner should also be presented. It is preferred that as much of this information as possible be included in a written report to be submitted by the petitioner in support of their request. However, information that can be best presented through testimony at a public hearing should be so handled. This information will be used by the Bureau of Aeronautics to determine the merits of petitioned airport improvements.

I. Airport Use Information

- _____ A. Recorded or estimated total annual aircraft operations by type of activity: air carrier, air taxi, military and general aviation.
- _____ B. Total annual airline passenger enplanements.
- _____ C. Total annual pounds of freight/cargo shipped by air.
- _____ D. List of based aircraft by make and model.
- _____ E. Number of active area pilots by type: student, private, commercial, air transport; and number of instrument rated.
- _____ F. Names of major airport users (businesses, corporations) and type of aircraft used.
- _____ G. Aeronautical services that are available at the airport. Include a list of current airport leases and agreements.
- _____ H. Information on aircraft users, if any, using other airports where passenger destination is your community.
- _____ I. List of aircraft owners who would use your airport if it were improved or would use it more.
- _____ J. Other airport information.

II. Economic Base Information

- _____ A. Identify area served by the airport and population of this airport service area.

- _____ B. Identify and map important business and industries in the airport service area.
- _____ C. Present employment figures of area.
- _____ D. Development taking place in the area that would affect the demand for air transportation.
- _____ E. Industrial development report on present and past efforts and importance of airport.
- _____ F. Other transportation modes serving the area.
- _____ G. Written statements or hearing testimony from the area business and industry as to the use they make of the airport and how the airport benefits them.
- _____ H. Other economic base information.

III. Improvement Need Information

- _____ A. What unsafe or inadequate airport facilities currently exist and would be corrected by the propose improvements.
- _____ B. Primary purpose of each improvement.
- _____ C. Written statements or hearing testimony from airport users, businesses and industry on the need for each proposed improvement item.
- _____ D. Other improvement need information.

IV. Airport owner Responsibility Information

- _____ A. Verification of establishment or proposed establishment of motor vehicle, minimum standards and height limitation zoning ordinances.
- _____ B. Copies of airport maintenance budget and records for the past three years.

W:\program\programming\petition\resolutionchk.lst