Chapter Trans 54

ADVANCE LAND ACQUISITION LOAN PROGRAM FOR AIRPORTS

Trans 54.01 Purpose and scope. (1) The purpose of this chapter is to establish administrative policies and procedures necessary to implement the advance land acquisition loan fund for airports as established in s. 114.37, Stats.

(2) The scope of this chapter shall include all provisions of s. 114.37, Stats., and applicable provisions contained in ss. 114.13 and 114.33, Stats.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.02 Definitions. Along with words and phrases as defined in ss. 114.001 and 114.002, Stats., the following definitions shall apply in the interpretation of this chapter:

(1) "Assessment of value" means a value ascribed to the property by the department. It includes, but is not limited to, the purchase price, awards of damages, and awards or values set by courts, regulatory bodies, or arbitration, plus such other costs as may be incurred in the purchase, including the cost of litigation, relocation, relocation assistance, land surveys, appraisals, negotiation, legal services, necessary project plans, environmental studies, and other costs incidental to the acquisition.

(2) "Bureau" means department of transportation, bureau of aeronautics.

(3) "Fund" means the advance land acquisition loan funds referred to in s. 114.37 (3), Stats.

(4) "Sponsor" means the municipal owner or prospective municipal owner of a public airport in the Wisconsin state airport system plan, including a city, county, town or village, and any 2 or more such governmental units having joint ownership.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.03 Eligibility. Land to be purchased under the advance land acquisition program shall meet all of the following requirements:

(1) The land to be acquired must be part of a planned airport improvement project or a land acquisition project.

(2) The site or airport shall be included in the Wisconsin state airport system plan.

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(3) The land to be acquired shall be included in a department approved airport layout plan.

(4) The land to be acquired shall be capable of being utilized and developed in substantial compliance with state and federal environmental protection laws.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.04 Loan initiation. The sponsor shall submit an application for an advance land acquisition loan in the form of a resolution satisfactory to the secretary.

Note: Application and grant contract forms are available from the department of transportation, bureau of aeronautics, P.O. Box 7914, Madison, WI 53707.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.05 Sponsor action required. The sponsor shall, by contract, agree to:

(1) Pay the cost of any loan initiation plans or investigations necessary for the department to justify making the loan.

(2) Designate the secretary as the sponsor's agent and execute an agency agreement.

(3) Execute a contract of responsibility and performance with the secretary as part of the loan agreement.

(4) Petition for the relocation order to acquire land under s. 114.33, Stats., if condemnation is required.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.06 Allocation. (1) In making loans from the fund, the secretary shall consider:

(a) The statewide priority of the proposed land acquisition.

(b) The adverse effect that failure to acquire the property would have on air traffic safety and future airport development.

(2) The department may make a loan for up to 80% of the estimated land acquisition costs, including the costs of any necessary project plans and environmental studies so long as that amount does not exceed 80% of the department's assessment of the value of the property as defined in s. Trans 54.02.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.07 Ownership and property management. (1) Title to the land or any property interest acquired through this program shall be held by the sponsor, but the department may retain a security interest in the land until the loan is repaid.

(2) Land or improvements, acquired as uneconomic remnants or to minimize severance damage, may be disposed of by the sponsor.

(3) Building sites or other improvements on the land may be cleared by the sponsor before development or prior to the disposition of unneeded segments.

History: Cr. Register, May, 1982, No. 317, eff. 6-1-82.

Trans 54.08 Recovery of loan balance, interest and administrative costs. As part of the loan agreement, the secretary shall provide for the recovery of loan funds, interest, and administrative costs. The agreement shall require:

(1) That the primary source of repayment shall be:

(a) Any federal, state, or sponsor's share of funds received for the land acquisition.

(b) Net income derived from the sale of surplus land and improvements acquired with loan funds. Such income shall be returned immediately upon receipt by the sponsor.

(2) If funds available under sub. (1) are insufficient, then the remaining loan balance, interest, and administrative costs shall be repaid from:

(a) Any net income derived from leasing the land or improvements on the land acquired by the sponsor under the advance land acquisition loan program.

(b) Any other sources of revenue available to the sponsor.

(3) The period for repayment of the loan balance, interest, and administrative costs shall not exceed 5 budget years. The repayment schedule shall be a matter of negotiation between the state and the sponsor.

(4) Interest shall be charged at the rate of 4% per year on the unpaid principal balance.