

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-125
- Committee Hearings ... CH
- 
- Committee Reports ... CR
- 
- Executive Sessions ... ES
- 
- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
-

TRANS 57 - (98-125) AIRPORT SITING  
STANDARDS

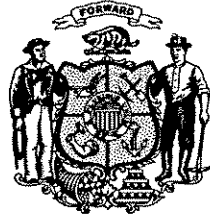
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-125**

AN ORDER to create chapter Trans 57, relating to standards for airport siting.

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-31-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-24-98 REPORT SENT TO AGENCY.

RS:DLS:jal;kjf

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

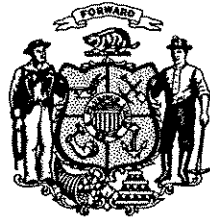
Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 98-125

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

- a. The order of ss. Trans 57.02 and 57.03 should be reversed.
- b. In s. Trans 57.02, the phrase ", or his or her designee," should be inserted after the first occurrence of the word "secretary" and the last sentence should be deleted.
- c. In s. Trans 57.07, the last sentence should be placed in a note to the rule.

#### 4. Adequacy of References to Related Statutes, Rules and Forms

Section Trans 57.03 refers to s. 56.03, Stats. Chapter 56, Stats., does not exist. These references need to be revised.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. Trans 57.01, the phrase "for site approval" should be inserted after the word "standards."
- b. In s. Trans 57.03 (1), to what does the phrase "designated authority" refer? In sub. (10), the phrase "of the runway" should be inserted after the word "end." In sub. (15), a comma should be inserted after the word "airport." Finally, in subs. (18) and (21), a consistent format should be used.

c. In s. Trans 57.03 (16), it appears that the word "service" should be replaced by the word "surface."

d. In s. Trans 57.04 (intro.), the phrase "shall be met in order to" should be inserted before the word "maintain." In sub. (1) (a) (intro.), the word "public" should be deleted since its use is redundant given the definition of "traverse ways." Also, it appears that the word "clearance" should be inserted before the word "height." If the heights listed in sub. (1) (a) are minimum heights, the rule should be clarified to so state.

e. In s. Trans 57.04 (1) (b), should the word "may" be replaced by the word "shall"? If so, what direction is given by the use of the word "similar"? [See also sub. (3) (c).]

f. In s. Trans 57.04 (1) (c), the phrase "at that approach end" should be replaced by the phrase "at the approach end of the runway." [See also sub. (3) (d).]

g. In s. Trans 57.04 (2) (a), it appears that the word "and" should be replaced by the word "or." Also, the comma before the phrase "shall be displaced" should be deleted. [See also sub. (3) (b).]

h. In s. Trans 57.04 (2) (b) and (3) (a), the notation "20:1" should be deleted since the term "approach service" is a defined term including the notation.

i. In s. Trans 57.05 (2) (a) and (b), the word "location" should be replaced by the phrase "the location." In sub. (2) (f), to what does the phrase "published altitudes" refer? In sub. (3), is the phrase "bureau's study" a reference to the defined term "airport study"? If so, the defined term should be used. Also, in sub. (3), the phrase "may not be" should be replaced by the phrase "is not."

j. In s. Trans 57.07, the phrase "his or her" should be inserted before the word "designee." Also, the phrase "shall be permanent" should be replaced by the phrase "is permanent."

k. In s. Trans 57.08 (2), must an applicant request an informal meeting with the department within 30 days of a refusal to issue a certificate? Or must the applicant begin an informal meeting with the department within this time period? In sub. (3), to what does the phrase "department criteria" refer?

l. In s. Trans 57.09 (5) and (6), when do the time limits begin running?

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The Wisconsin Department of Transportation proposes an order to create ch. TRANS 57, relating to standards for airport siting.

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

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NOTICE IS HEREBY GIVEN that pursuant to ss. 114.31(1), 227.11(2) and 227.18, Stats., and interpreting s. 114.134(3) to (5), Stats., the Department of Transportation will hold a public hearing in **Room 901-A** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **30th** day of **September**, 1998, at **1:00 PM**, to consider the creation of ch. Trans 57, Wisconsin Administrative Code, relating to standards for airport siting.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter no later than ten days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on October 2, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Mark Pfundheller, Department of Transportation, Bureau of Aeronautics, Room 701, P. O. Box 7914, Madison, WI 53707-7914.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 114.31(1), 227.11(2) and 227.18, Stats.  
**STATUTE INTERPRETED:** s. 114.134(3) to (5), Stats.

**General Summary of Proposed Rule.** Chapter Trans 57 governs issuance, duration, revocation and denial of airport site certification. Anyone wishing to operate an airport in Wisconsin must first obtain a certificate of site approval from the secretary of the Department. This proposed rule establishes criteria for the issuance, duration, revocation and denial of airport site certificates. Issuance will be based upon public safety and airspace coordination over Wisconsin. Airports built prior to June 4, 1974 are exempt from the certification process unless abandoned or permanently closed. The safety standards relating to minimum clearances over traverse ways apply to all airports.

This proposed rule:

(1) Defines technical phrases and terminology.

(2) Describes the standards of the Bureau. Standards are established in accordance with Wisconsin aviation statutes and applicable FAA advisory circulars. The Department will be requesting consent from the Attorney General's office and the Revisor of Statutes Bureau for incorporating these standards by reference.

(3) Specifies applicable forms and details the information required in the Department's airport siting review process. It also provides guidelines for resolving conflicts including public hearings and administrative appeals.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to the Wisconsin Department of Transportation, Division of Transportation Assistance, Room 701, P.O. Box 7914, Madison, WI 53707-7914, or by calling (608) 266-2023. Hearing-impaired individuals may contact the Department using TDD (608) 266-3351. Alternate formats of the proposed rule will be provided to individuals at their request.

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**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 114.31(1), 227.11(2) and 227.18, Stats., the department of transportation hereby



proposes an order to create a rule interpreting s. 114.134(3) to (5), Stats., relating to standards for airport siting.

**SECTION 1.** Chapter Trans 57 is created to read:

**STANDARDS FOR AIRPORT SITING**

**TRANS 57.01 PURPOSE.** The purpose of this chapter is to interpret and implement s. 114.134(3) to (5), Stats., relating to airport site approval and to provide standards *for site approval*

**TRANS 57.02 RESPONSIBILITY.** The secretary *may* issue a certificate of airport site approval for a new airport upon determination that the location is compatible with existing and planned transportation facilities in the area. *for his or an designee* ~~(The secretary delegates this authority to the bureau director.)~~

**TRANS 57.03 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 not open to the public" is any airport requiring permission from the airport owner or the designated authority prior to its use by any person other than the owner.
- (2) "Airport open to the public" means an airport, whether publicly or privately owned, which is open for aeronautical use by the general public.
- (3) "Airport study" means an analysis performed by the department to determine an airport's compatibility with other transportation facilities.
- (4) "Applicant" means a person who applies to construct or establish a new airport or activate an airport within the state.

(5) "Application" means FAA form 7480-1, "Notice of Landing Area Proposal" together with a bureau airport site approval application.

**NOTE: FAA form 7480-1, Notice of Landing Area Proposal, and the airport site approval application may be obtained by writing to the Department of Transportation, Division of Infrastructure Development, Bureau of Aeronautics, 4802 Sheboygan Avenue, Room 701, P. O. Box 7914, Madison, WI 53707-7914.**

(6) "Approach area" means a trapezoid centered on the extended runway centerline, <sup>which</sup> The trapezoid has an inner width at the runway threshold of 250 feet, a length of 5,000 feet from the threshold and an outer width of 1,250 feet.

(7) "Approach surface" means an inclined plane which extends outward and upward from the runway threshold at a slope of 20:1, 20 feet horizontal to 1 foot vertical, <sup>with</sup> The approach surface has dimensions <sup>that</sup> which are bound by the vertical projection of the approach area.

(8) "Bureau" means the bureau of aeronautics, division of infrastructure development, Wisconsin department of transportation.

(9) "Certificate" means a certificate of airport site approval issued by the department.

(10) "Displaced threshold" means a landing threshold located at a point on the runway other than the physical end <sup>of the runway</sup>

(11) "FAA" has the same meaning as provided in s. 56.03(7), Stats. <sup>to be</sup>

(12) "IFR" means instrument flight rules. <sup>to be</sup>

(13) "Object" means any structure, objects of natural growth, permanent or temporary construction or apparatus including, but not limited to, buildings, fences, hills, power and telephone lines, shrubs, traverse ways, trees and towers.

(14) "Obstruction" means any object which penetrates the approach surface within the approach area or the runway primary surface.

(15) "Runway" means a defined rectangular area on a land airport prepared for the landing and takeoff of aircraft along its length. *which area is*

(16) "Runway primary surface" means a service longitudinally centered on a runway. *(a) Which* The runway primary surface has a width of 250 feet, 125 feet each side of centerline, and a length equal to the length of the runway. *(b) In which* The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. *X*

(17) "Seaplane" means an aircraft capable of taking off from and landing on water.

(18) "Secretary" has the meaning designated in s. 56.03(11), Stats. *is no ch 56 Stats*

(19) "Transportation facilities" means any airport, roadway, highway, railroad, public trails or waterway adjacent to or in the approach to the landing area.

(20) "Traverse ways" means any routes used by the public including, but not limited to roads, highways, public trails, bike paths, railroads and waterways. *is No 56 ch. Stats*

(21) "VFR" has the same meaning as provided in s. 56.03(14), Stats. *shall be met in order to*

**57.04 STANDARDS.** The following standards maintain airport site compatibility with existing and planned transportation facilities in the area:

(1) AIRPORTS. (a) All objects within the approach area of each runway shall be considered in determining compliance. Each type of public traverse way is considered to be an object with a height as follows: *if it has?* *minimum clearance?* *not nec.*

1. Public roads, 15 feet.
2. Private roads, 10 feet.
3. Interstate highways, 17 feet.

4. Railroads, 23 feet.

5. Waterways and other public traverse ways, an amount equal to the height of the highest mobile object that would normally travel upon them.

(b) A displaced threshold may be marked similar to attached diagram B for runways with other than paved surfaces. Runways with paved surfaces shall be marked in accordance with FAA advisory circular 150/5340-1G, "Standards for Airport Markings," as amended. In addition, if the runway is lighted, the displaced threshold shall be lighted in accordance with FAA advisory circular 150/5340-24, "Runway and Taxiway Edge Lighting System," as amended, <sup>which</sup> ~~it~~ applies to low intensity runway lighting systems and medium intensity systems.

*NOTE*  
**NOTE:** These FAA advisory circulars are available from the United States Department of Transportation, Distribution Unit, TAB 443.1, Washington, D. C. 20590.

(c) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at that approach end.

(2) AIRPORTS OPEN TO THE PUBLIC. (a) If any object penetrates the approach surface, the runway threshold, point of interception of the approach area <sup>or</sup> and the approach surface, shall be displaced down the landing runway.

(b) The displaced threshold shall be located at a point where no object penetrates the 20:1 approach surface.

(3) AIRPORTS NOT OPEN TO THE PUBLIC. (a) The displaced threshold shall be located at a point where no public traverse way clearance height penetrates the 20:1 approach surface.

(b) If the clearance height assigned to any public traverse way penetrates the approach surface, the runway threshold, or point of interception of the approach area and the approach surface shall be displaced down the landing runway.

(c) A displaced threshold may be marked similarly to attached diagram B for runways with other than paved surfaces. Runway marking and lighting is subject to FAA advisory circular criteria which are identical to airports open to the public.

(d) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at that approach end.

**57.05 APPLICATION EVALUATION.** (1) An applicant proposing to establish a new airport shall submit an application for airport site approval.

(2) The bureau shall review the application to determine if the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. An airport study shall be conducted including review of:

(a) Location of existing and planned highways and railroads.

(b) Location and type of identified obstructions.

(c) Regional planning commission plans, if applicable.

(d) County or local plans and requirements.

(e) Potential conflicts with other airports. A certificate of site approval may be denied if conflicts resulting from overlapping traffic patterns cannot be resolved by nonstandard traffic patterns or written agreement between the airport owners.

(f) IFR and VFR traffic considerations. A certificate of site approval may be denied if the proposed site underlies the airspace in the primary approach area for an instrument approach, and the traffic pattern altitude conflicts with published altitudes for the approach.

(3) An FAA airspace determination shall be considered in the bureau's study, but <sup>is not</sup> may not be binding or conclusive. An objectionable airspace determination by the FAA may be considered sufficient grounds to deny a certificate.

(4) No fee shall be charged for the application, review or issuance of a certificate.

**57.06 PUBLIC HEARING.** The bureau may, at its discretion, hold a public hearing on the proposed airport site.

**57.07 ISSUANCE OF CERTIFICATE.** A certificate may be issued by the secretary, or <sup>his or her</sup> designee, if it is determined that the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. A certificate does not waive or preempt compliance with any applicable ordinances, laws or regulations of any other governmental body or agency. The certificate shall be permanent. No certificate may be issued for seaplane bases [as the waters within Wisconsin are sovereign to the people of the state.]

**57.08 APPEAL.** (1) GENERAL. The secretary shall grant a formal hearing at the request of any applicant after any refusal to issue a certificate. The matter shall be referred to the ~~division~~ <sup>division</sup> of hearings and appeals.

(2) INFORMAL HEARING. The applicant shall have 30 days to initiate an informal meeting with the department and address specific grievances to the action, relevant facts and determination of law upon which the grievance is based.

(3) REAPPLICATION. The applicant may reapply when discrepancies are resolved in accordance with department criteria.

**57.09 NON-COMPLIANCE.** (1) Individuals who violate any provision of this chapter shall be subject to penalties in accordance with s. 114.27, Stats.

(2) When the department becomes aware of a compliance discrepancy, the secretary may suspend the certificate of airport site approval.

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

(4) If the informal meeting fails to resolve compliance disputes, the secretary shall issue a notice to the airport owner detailing <sup>the</sup> alleged disputes and requesting corrective action.

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

(6) If the compliance discrepancy is not resolved within 90 days <sup>from when</sup>, the secretary may rescind the certificate of airport site approval.

**Trans 57.10 NOTICE OF HEARING.** Notification of all hearings regarding this chapter shall be made in accordance with s. 114.134(4), Stats.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 28 day of August, 1998.



CHARLES H. THOMPSON

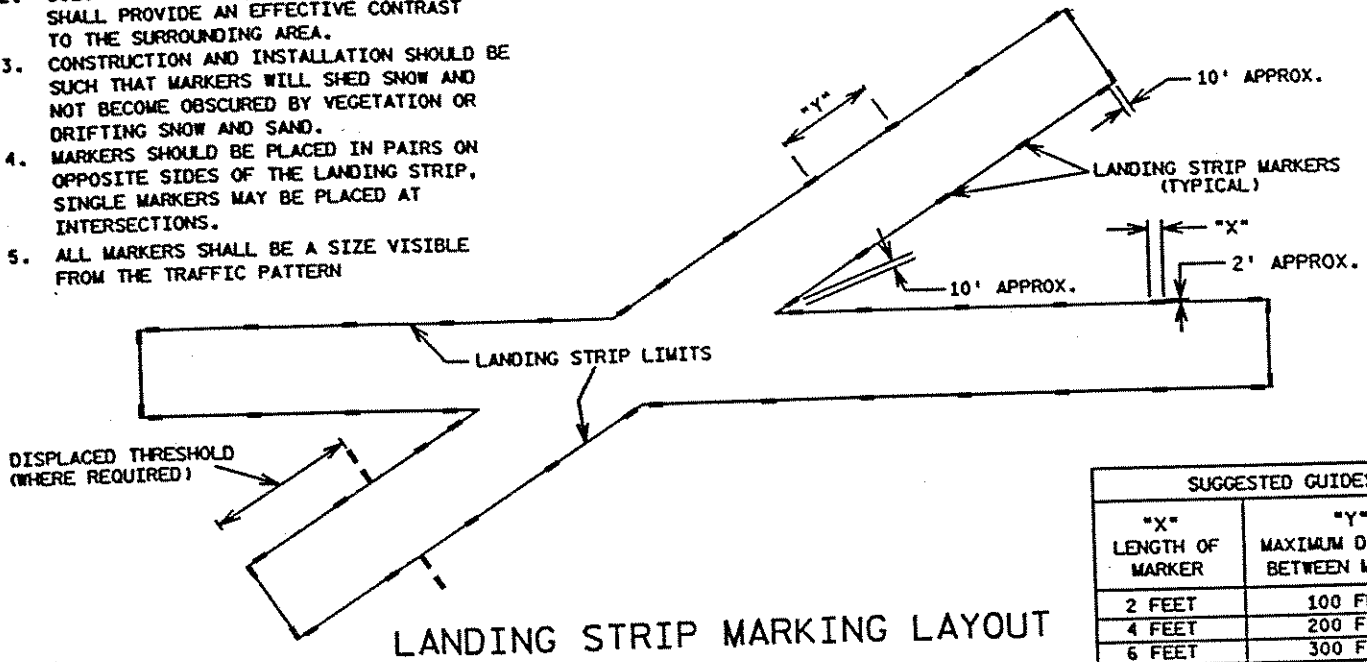
Secretary

Wisconsin Department of Transportation

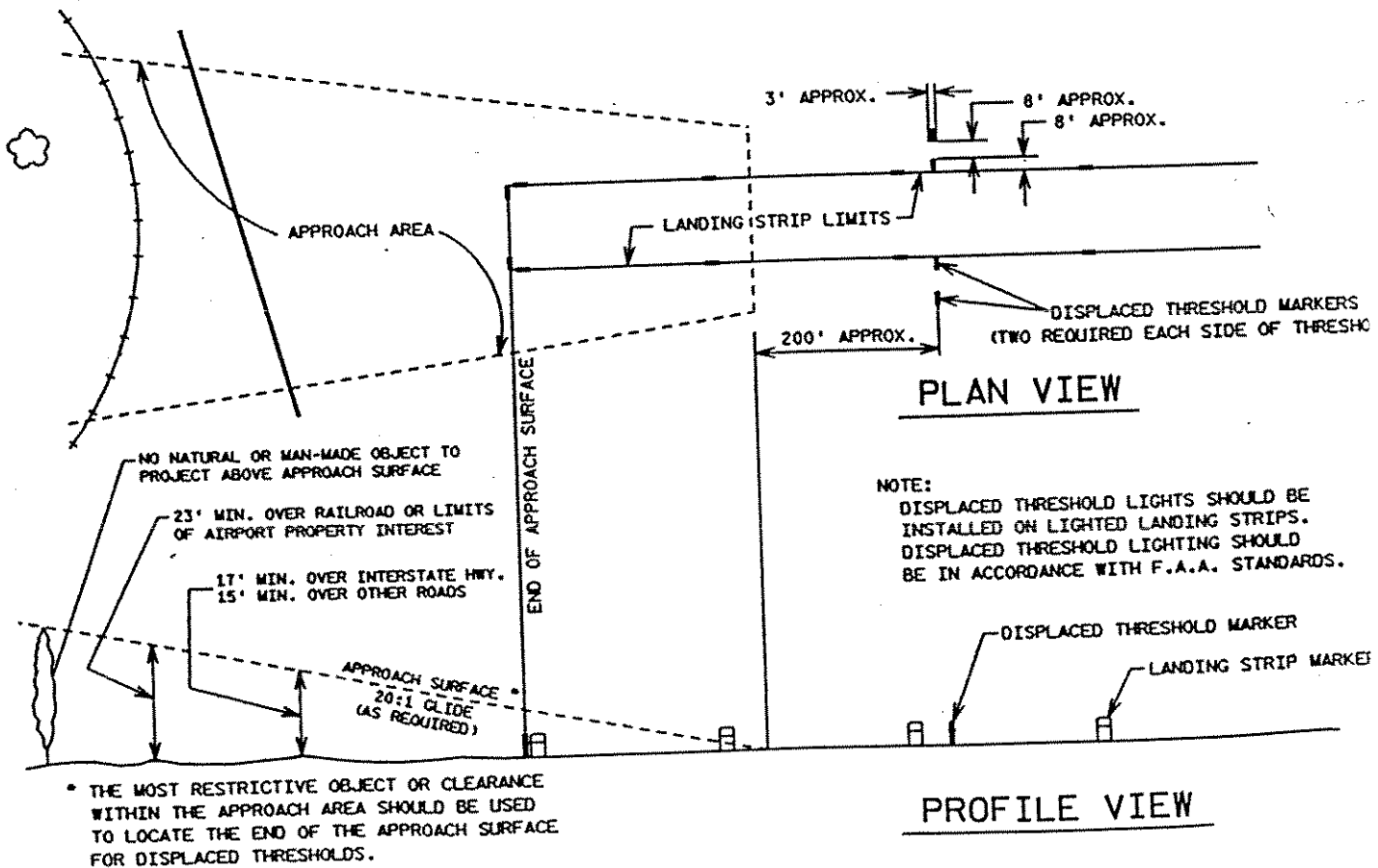
# DIAGRAM B LANDING STRIP MARKING GUIDELINE

## GENERAL NOTES

1. ALL MARKERS SHOULD BE CONSTRUCTED OF DURABLE WEATHERPROOF MATERIAL.
2. COLOR OF MARKERS (NATURAL OR APPLIED) SHALL PROVIDE AN EFFECTIVE CONTRAST TO THE SURROUNDING AREA.
3. CONSTRUCTION AND INSTALLATION SHOULD BE SUCH THAT MARKERS WILL SHED SNOW AND NOT BECOME OBSCURED BY VEGETATION OR DRIFTING SNOW AND SAND.
4. MARKERS SHOULD BE PLACED IN PAIRS ON OPPOSITE SIDES OF THE LANDING STRIP, SINGLE MARKERS MAY BE PLACED AT INTERSECTIONS.
5. ALL MARKERS SHALL BE A SIZE VISIBLE FROM THE TRAFFIC PATTERN



SUGGESTED GUIDES	
"X" LENGTH OF MARKER	"Y" MAXIMUM DISTANCE BETWEEN MARKERS
2 FEET	100 FEET
4 FEET	200 FEET
6 FEET	300 FEET
8 FEET OR MORE	400 FEET



\* THE MOST RESTRICTIVE OBJECT OR CLEARANCE WITHIN THE APPROACH AREA SHOULD BE USED TO LOCATE THE END OF THE APPROACH SURFACE FOR DISPLACED THRESHOLDS.



WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

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**CLEARINGHOUSE REPORT TO AGENCY**

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**CLEARINGHOUSE RULE 98-127**

AN ORDER to renumber HSS 98.03 (23g) to (27); to amend HSS 98.01 (intro.) and 98.04 (3) (L); and to create HSS 98.03 (16m), (16r), (17m) and (24), 98.04 (3) (m) and (n), subchapter V (title) of chapter HSS 98 and 98.28 to 98.32, relating to lie detector testing of sex offenders who are in community placements.

Submitted by **DEPARTMENT OF HEALTH AND FAMILY SERVICES**

09-01-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-24-98 REPORT SENT TO AGENCY.

RS:SPH:jal;kjf

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

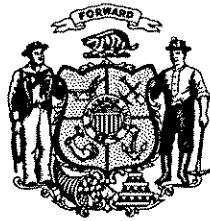
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-127

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

a. The definitions of "lie detector" and "polygraph" in s. HSS 98.03 (16m) and (17m) parallel the definitions of these terms in s. 111.37 (1) (b) and (c), Stats. Consideration should be given to cross-referencing these statutory definitions. This approach would be consistent with the treatment of the definition of "sexually violent person" in s. HSS 98.03 (23g), which cross-references the statutory definition of that term in s. 980.01 (7), Stats.

b. In s. HSS 98.28, the phrase "The rules apply" should be replaced by the phrase "This chapter applies."

c. Section HSS 98.31 (5), relating to assessment of fees, should be rewritten as a cross-reference to s. HSS 98.32, relating to the lie detector fee, and the substance of sub. (5) should be incorporated into s. HSS 98.32. If sub. (5) is retained, in par. (c), the phrase "under par. (b)" should be inserted after "payment."

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. HSS 98.30 (1) (intro.), the second sentence would be clearer if it read:

Testing may be used to achieve any of the following goals in supervising an offender who is a sex offender:

(a) Disclosing . . .

b. In s. HSS 98.31 (1) (a) (intro.), what does it mean to be “approaching release from confinement”? Can this be made more specific? In par. (b) 2., does the term “recent” also modify “or consideration for alternatives to revocation”? If so, for clarity, “recent” should be inserted before “consideration.” If not, what does the last phrase refer to? Also, can “recent” be clarified? [See also sub. (3) (b) 3.]

c. In s. HSS 98.32 (3) (a) 4., “the offender” should be inserted before “is unable.” Paragraph (b) refers to “within 10 working days of a reported change in a client’s financial or employment status.” Is there a requirement somewhere that the offender report such a change within a certain time period? If so, could it be cross-referenced? If not, perhaps such a provision should be included in the rule.

PROPOSED ORDER OF THE  
DEPARTMENT OF HEALTH AND FAMILY SERVICES  
RENUMBERING, AMENDING AND CREATING RULES

To renumber HSS 98.03 (23g) to (27) ; to amend HSS 98.01 (intro.) and 98.04 (3) (L); and to create HSS 98.03 (16m), (16r), (17m) and (24), 98.04 (3) (m) and (n), subch. V (title) and 98.28 to 98.32, relating to lie detector testing of sex offenders who are in community placements.

Analysis Prepared by the Department of Health and Family Services

Section 51.375 (3), Stats., directs the Department of Health and Family Services to establish a lie detector testing program for sex offenders who are in community placements. Lie detector testing of clients who are sex offenders and are on conditional or supervised release is recognized as an effective supervision tool for determining the nature and extent of deviant sexual behavior and developing appropriate intervention strategies. In addition, it is anticipated that testing will improve treatment outcomes by overcoming client denial and by detecting behaviors that lead to re-offending.

This order does all of the following:

1. Creates a definition for lie detector examination process.
2. Adopts the statutory definitions for lie detector, polygraph and sex offender.
3. Establishes the authority, purpose and applicability of the lie detector examination process.
4. Requires a client who is a sex offender to submit to a lie detector test if required by the Department.
5. Establishes criteria for the selection of clients who are required to participate in the lie detector examination process.
6. Requires that the Department provide notice to the client who is required to participate in the lie detector examination process of the lie detector program requirements, instructions to complete any necessary questionnaires and of the date, time and location of the scheduled test.
7. Provides that an agent and an examiner will determine the questions the client may be asked during the lie detector examination process.
8. Allows an agent to consult with a treatment provider regarding the questions the client may be asked during the lie detector examination process.

9. Provides that the Department may administer the lie detector tests or contract with an outside vendor or the Department of corrections to administer the tests.
10. Provides for sanctions if a sex offender refuses to participate in the lie detector examination process.
11. Provides that a client's conditional release or supervised release may not be revoked based solely on a finding of deception as disclosed by a lie detector test.
12. Identifies the circumstances under which the Department may disclose information regarding the lie detector tests or the information derived from the lie detector examination process.
13. Provides that the department may not use the lie detector examination process as a method of punishment or sanction.
14. Provides that a client shall pay the costs of the lie detector test and a \$5.00 administrative fee with each payment. The cost of the lie detector test may vary, depending on the type of test used.
15. Establishes procedures for the collection of lie detector fees.
16. Provides for sanctions for a client's failure to pay the lie detector fees.
17. Provides criteria for lie detector fee deferrals.
18. Provides for the reporting and notice to the client when payment of lie detector fees is not received.

The order inserts the rules for the lie detector testing program in ch. HFS 98, the Department's rules for field supervision of persons committed to the Department for treatment.

The Department's authority to renumber, amend and create these rules is found in ss. 51.37 (9), 51.375 (3), 971.17 (3) (e), 980.06 (2) (d) and 980.08 (6), Stats. The rules interpret ss. 51.37 (9), 51.375, 971.17 (3) to (6), 980.06 (2) (c) and (d) and 980.08 (5) and (6), Stats.

18)

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SECTION 1. HSS 98.01 (intro.) is amended to read:

HSS 98.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of ss. 51.37 (9), 51.375 (3), 971.17 (3) (e), 980.06 (2) (d) and 980.08 (6), Stats., to provide rules for supervision in communities of persons who are committed to

the department and placed under its control after being found not guilty by reason of mental illness or defect of having committed a crime or after being found to be sexually violent persons or who are otherwise sex offenders. Supervision is intended to provide for the public's safety, promote social reintegration, reduce repetition of crime and carry out the statutory directives under s. 46.03 (1) and (5), Stats. The following goals and objectives are relevant for fulfillment of these purposes:

SECTION 2. HSS 98.03 (16m), (16r) and (17m) are created to read:

(b) HSS 98.03 (16m) "Lie detector" means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator or other similar device, whether mechanical or electrical, that is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual.

(16r) "Lie detector examination process" means the entire process of lie detector testing, including completion of any preliminary questionnaires, pretest questions, baseline questions and the actual lie detector testing, and post-testing interrogation.

(11) (17m) "Polygraph" means an instrument that fulfills all of the following requirements:

(a) Records continuously, visually, permanently and simultaneously any changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(b) Is used, or the results of which are used, to render a diagnostic opinion about the honesty or dishonesty of an individual.

SECTION 3. HSS 98.03 (23g) to (27) are renumbered 98.03 (25) to (30).

SECTION 4. HSS 98.03 (24) is created to read:

HSS 98.03 (24) "Sex offender" means a person committed to the department who meets any of the criteria specified in s. 301.45 (1), Stats.

SECTION 5. HSS 98.04 (3) (L) is amended to read:

HSS 98.04 (3) (L) ~~A client~~ If committed under s. 971.17 or 980.06, Stats., may have his or her conditional or supervised release revoked only by the releasing court.


SECTION 6. HSS 98.04 (3) (m) and (n) are created to read:

HSS 98.04 (3) (m) Submit to the lie detector examination process under s. HSS 98.31 as directed by the department.

(n) Pay fees for the lie detector examination process under ss. HSS 98.31 (5) and 98.32 and comply with any required department procedures regarding payment of fees.

SECTION 7. Subchapter V (title) of ch. HSS 98 and HSS 98.28 to 98.32 are created to read:

SUBCHAPTER V -  
LIE DETECTOR TESTING

HSS 98.28 PURPOSE, AUTHORITY AND APPLICABILITY. This subchapter is promulgated under the authority of s. 51.375 (3), Stats., to establish a lie detector program for clients who are sex offenders. The rules apply to the department and to clients who are sex offenders. 

HSS 98.29 LIE DETECTOR REQUIREMENT. The department may require a client who is a sex offender to submit to the lie detector examination process in accordance with s. HSS 98.31 as a condition of supervision.

HSS 98.30 PURPOSE OF LIE DETECTOR PROGRAM. (1) The department may use the lie detector examination process as a supervision tool for clients who are sex offenders. Testing may achieve the following in supervising a client who is a sex offender:

- (a) Disclose offense pattern information for treatment purposes.
- (b) Hold the client accountable for behaviors which occur while on supervision.
- (c) Verify the accuracy of self-reporting.
- (d) Assist in the monitoring and early identification of rule violations and other criminal behavior.
- (e) Provide a deterrent to re-offending.
- (f) Identify the clients who need more intensive supervision or treatment.
- (g) Provide more information for purposes of assessment, treatment and monitoring.

(2) The department may not use the lie detector examination process as a punishment or sanction.



HSS 98.31 OPERATION OF LIE DETECTOR PROGRAM. (1) SELECTION OF PARTICIPANTS. Upon the approval of an agent's supervisor, an agent may require a client who is a sex offender to participate in the lie detector program. The agent may require a client who is a sex offender to submit to the lie detector examination process based on the following:

(a) For a client who is a sex offender and who is approaching release from ? confinement: all? any?

1. The client's criminal record of sexual offenses.
2. The client's adjustment under previous supervision.
3. The client's participation in offense-related programming while incarcerated or institutionalized.
4. The client's motivation or refusal to participate in continued programming in the community.

(b) For a client who is a sex offender and who is currently under field supervision: all? any?

1. The client's criminal record of sexual offenses.
2. The client's adjustment under supervision, including recent rules violations or consideration for alternatives to revocation.
3. The client's compliance with current programming.

(2) NOTICE. (a) An agent shall provide a client who is a sex offender and who is selected to participate in the lie detector examination process written notice of the lie detector program requirements. The department may require a client who is a sex offender to participate in the lie detector examination process without the client's informed consent.

(b) An agent shall provide written notice to a client who is a sex offender and who is required to take a lie detector test. The notice shall include the following:

1. Date, time, and location of the scheduled test.
2. Instructions to complete any preliminary questionnaires.

(3) LIE DETECTOR TEST QUESTIONS. (a) The lie detector examiner shall determine the questions to be asked during the lie detector examination process and shall consult with the agent in determining the questions to be asked. If the client who is a

sex offender is receiving treatment, the examiner or agent may consult with the treatment provider regarding development of questions to be asked during the lie detector examination process.

(b) The agent or examiner may consider any of the following in determining the questions to be asked during the lie detector examination process:

1. The client's involvement in current offense-related programming.
2. The client's level of denial.
3. The client's recent pattern of rules violations.
4. The client's noncompliance with treatment.
5. The agent's need to verify the client's compliance with supervision, treatment or self-reporting.
6. The agent's need to document and verify the extent of the client's sexual history.

(4) TEST ADMINISTRATION. The department may administer lie detector tests or contract with an outside vendor or the department of corrections to administer the tests.

(5) ASSESSMENT OF FEES. (a) The department shall establish a schedule of fees in accordance with s. HSS 98.32, to partially offset the costs of the program for clients who are sex offenders and who are required to take a lie detector test.

*where's the fee*

(b) A client shall pay for the costs of the test in accordance with a schedule of fees developed by the department. The costs of the tests may vary depending on the type of test used.

(c) A client shall also pay a \$5 administrative fee with each payment.

*under pg (a) 98.32(2)*

(6) SANCTIONS. (a) If a client who is a sex offender refuses to participate in any portion of the lie detector examination process or to pay a lie detector fee, the agent shall investigate the refusal as a violation of a rule or condition of supervision in accordance with s. HSS 98.04 (3).

(b) If a client who is a sex offender discloses a violation of a rule or condition of supervision during the lie detector examination process, the agent shall investigate the disclosure as a violation of a rule or condition of supervision, in accordance with s. HSS 98.04 (3).

(c) If a client who is a sex offender discloses criminal conduct during the lie detector examination process, the agent, with the approval of the agent's supervisor, shall refer the disclosure to law enforcement authorities.

(d) Revocation of conditional or supervised release of a client who is a sex offender may not be based solely on a finding of deception as disclosed by a lie detector test.

(7) **DISCLOSURE OF TEST INFORMATION.** The department may disclose information regarding a lie detector test or information disclosed during the lie detector test examination process of a client who is a sex offender only to the following and only for purposes relating to supervision programming, care and treatment of the client:

- (a) Department employees.
- (b) Department of corrections employees.
- (c) Department vendors.
- (d) Another agency of person.
- (e) Law enforcement agencies.

*the whole world*

HSS 98.32 LIE DETECTOR FEE. The department shall do all of the following in establishing a fee schedule for lie detector testing and in collecting lie detector fees:

(1) **BASIS OF FEE.** Base the lie detector fee payment schedule upon the client's ability to pay, with the goal of receiving payment for the costs of administering the test and a \$5 administrative fee with each payment.

*where's the fee*

(2) **TIMING OF PAYMENTS.** Permit payment of the fee to be paid in any of the following ways:

- (a) Full payment of the fee within 30 days of the date the client takes the lie detector test.
- (b) Quarterly payment of the fee to be paid in full within one year of the date the client takes the lie detector test.
- (c) Monthly installment payments of the fee to continue until the fee is paid in full.

(3) **DEFERRAL OF PAYMENTS.** (a) Except if the client has the present ability to pay the fee, permit deferral of payment if the client meets one or more of the following conditions, until a time when the condition or conditions no longer exist:

1. Has used all reasonable and appropriate means to obtain employment as determined by the client's agent, but has been unable to obtain employment which provides the client sufficient income to pay the lie detector fee.

2. Is a student enrolled in a full-time course of instruction. In this subdivision, "full-time course of instruction" means enrolled in an accredited course of instruction and registered for more than 9 credits in post-secondary education or full-time high school or full-time junior high school, and "school" means a public school under s. 115.01 (1), Stats., a charter school as defined in s. 115.001 (1), Stats., or a private school as defined in s. 115.001 (3r), Stats. The client shall provide a release of information to verify enrollment and registration of credits. If the client fails to provide the release of information, no deferral may be given. The educational institution shall certify to the department that the offender is enrolled and attending a full-time course work at the educational institution.

*under this subd.*

3. Is undergoing psychological, chemical or medical treatment consistent with the supervision plan approved by the department and is unable to be employed. The treatment provider shall certify the status to the department.

4. Has a statement from a licensed physician excusing the client from work for medical reasons and is unable to be employed because of the medical reasons.

(b) The agent shall make a determination concerning a client's deferral of payment of the lie detector fee within 10 working days of determining that a client is required to participate in the lie detector examination process or within 10 working days of a reported change in the client's financial or employment status.

(c) The agent's supervisor shall review all decisions made by the client's agent to defer payment of the lie detector fee.

(4) COLLECTION. Develop procedures for the collection of lie detector fees. The client who is a sex offender shall pay the lie detector fees to the department according to the procedures established by the department.

*} who? rules*

(5) COPIES OF FEE SCHEDULE AND PAYMENT PROCEDURES. Provide the client who is a sex offender with copies of the lie detector fee schedule, administrative fee requirement and lie detector fee payment procedures.

(6) RECORD OF PAYMENTS. Record all lie detector fees paid by the client and, on request of the client, provide the client with a copy of the record of payments to verify receipt of the payments.

(7) NOTICE TO CLIENT WHEN PAYMENT IS NOT RECEIVED. Advise the client in writing if payment of the lie detector fee has not been made in accordance with the payment schedule.

(8) POSSIBLE ACTIONS IF FEE IS NOT PAID. Take action under s. HSS 98.31(6) (a), if a client who is a sex offender fails to pay a lie detector fee. The department may use any of the following actions in any order when a client who is a sex offender fails to pay the lie detector fee:

(a) Counseling.

(b) Wage assignment.

(c) Review of supervision level to determine if more restrictive sanctions are needed, including an increase in the level of supervision, electronic monitoring or detention in a jail, correctional facility or house of correction.

(d) Issuance of a recommendation for revocation of conditional or supervised release under the provisions of s. HSS 98.16 for the client's willful failure to pay the lie detector fee after the agent has taken action under sub. (1) and has determined that the client has the ability to pay the lie detector fee.

(e) Any other appropriate means of obtaining the lie detector fee.

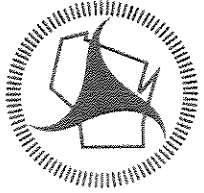
The rules contained in this order shall take effect the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health and  
Family Services

Dated:

By: \_\_\_\_\_  
Joseph Leraan  
Secretary

SEAL:



## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Robert Welch  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
One East Main, Suite 201  
Madison, Wisconsin 53707

August 28, 1998

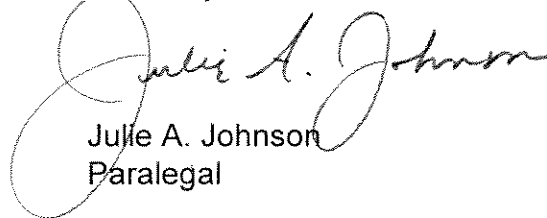
The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 125, State Capitol  
Madison, Wisconsin 53707

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **standards for airport siting, Trans 57**

Dear Senator Welch and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,



Julie A. Johnson  
Paralegal

Enclosure

cc: Gene Kussart  
Sandy Beaupre  
Mike Goetzman  
Jim Gruendler  
Keith Gerard  
Mark Pfundheller

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The Wisconsin Department of Transportation proposes an order to create ch. TRANS 57, relating to standards for airport siting.

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 114.31(1), 227.11(2) and 227.18, Stats., and interpreting s. 114.134(3) to (5), Stats., the Department of Transportation will hold a public hearing in **Room 901-A** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **30th** day of **September**, 1998, at **1:00 PM**, to consider the creation of ch. Trans 57, Wisconsin Administrative Code, relating to standards for airport siting.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter no later than ten days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on October 2, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Mark Pfundheller, Department of Transportation, Bureau of Aeronautics, Room 701, P. O. Box 7914, Madison, WI 53707-7914.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 114.31(1), 227.11(2) and 227.18, Stats.

**STATUTE INTERPRETED:** s. 114.134(3) to (5), Stats.

**General Summary of Proposed Rule.** Chapter Trans 57 governs issuance, duration, revocation and denial of airport site certification. Anyone wishing to operate an airport in Wisconsin must first obtain a certificate of site approval from the secretary of the Department. This proposed rule establishes criteria for the issuance, duration, revocation and denial of airport site certificates. Issuance will be based upon public safety and airspace coordination over Wisconsin. Airports built prior to June 4, 1974 are exempt from the certification process unless abandoned or permanently closed. The safety standards relating to minimum clearances over traverse ways apply to all airports.

This proposed rule:

(1) Defines technical phrases and terminology.

(2) Describes the standards of the Bureau. Standards are established in accordance with Wisconsin aviation statutes and applicable FAA advisory circulars. The Department will be requesting consent from the Attorney General's office and the Revisor of Statutes Bureau for incorporating these standards by reference.

(3) Specifies applicable forms and details the information required in the Department's airport siting review process. It also provides guidelines for resolving conflicts including public hearings and administrative appeals.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to the Wisconsin Department of Transportation, Division of Transportation Assistance, Room 701, P.O. Box 7914, Madison, WI 53707-7914, or by calling (608) 266-2023. Hearing-impaired individuals may contact the Department using TDD (608) 266-3351. Alternate formats of the proposed rule will be provided to individuals at their request.

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**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 114.31(1), 227.11(2) and 227.18, Stats., the department of transportation hereby



proposes an order to create a rule interpreting s. 114.134(3) to (5), Stats., relating to standards for airport siting.

**SECTION 1.** Chapter Trans 57 is created to read:

### **STANDARDS FOR AIRPORT SITING**

**TRANS 57.01 PURPOSE.** The purpose of this chapter is to interpret and implement s. 114.134(3) to (5), Stats., relating to airport site approval and to provide standards.

**TRANS 57.02 RESPONSIBILITY.** The secretary may issue a certificate of airport site approval for a new airport upon determination that the location is compatible with existing and planned transportation facilities in the area. The secretary delegates this authority to the bureau director.

**TRANS 57.03 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 not open to the public" is any airport requiring permission from the airport owner or the designated authority prior to its use by any person other than the owner.

(2) "Airport open to the public" means an airport, whether publicly or privately owned, which is open for aeronautical use by the general public.

(3) "Airport study" means an analysis performed by the department to determine an airport's compatibility with other transportation facilities.

(4) "Applicant" means a person who applies to construct or establish a new airport or activate an airport within the state.

(5) "Application" means FAA form 7480-1, "Notice of Landing Area Proposal" together with a bureau airport site approval application.

**NOTE: FAA form 7480-1, Notice of Landing Area Proposal, and the airport site approval application may be obtained by writing to the Department of Transportation, Division of Infrastructure Development, Bureau of Aeronautics, 4802 Sheboygan Avenue, Room 701, P. O. Box 7914, Madison, WI 53707-7914.**

(6) "Approach area" means a trapezoid centered on the extended runway centerline. The trapezoid has an inner width at the runway threshold of 250 feet, a length of 5,000 feet from the threshold and an outer width of 1,250 feet.

(7) "Approach surface" means an inclined plane which extends outward and upward from the runway threshold at a slope of 20:1, 20 feet horizontal to 1 foot vertical. The approach surface has dimensions which are bound by the vertical projection of the approach area.

(8) "Bureau" means the bureau of aeronautics, division of infrastructure development, Wisconsin department of transportation.

(9) "Certificate" means a certificate of airport site approval issued by the department.

(10) "Displaced threshold" means a landing threshold located at a point on the runway other than the physical end.

(11) "FAA" has the same meaning as provided in s. 56.03(7), Stats.

(12) "IFR" means instrument flight rules.

(13) "Object" means any structure, objects of natural growth, permanent or temporary construction or apparatus including, but not limited to, buildings, fences, hills, power and telephone lines, shrubs, traverse ways, trees and towers.

(14) "Obstruction" means any object which penetrates the approach surface within the approach area or the runway primary surface.

(15) "Runway" means a defined rectangular area, on a land airport prepared for the landing and takeoff of aircraft along its length.

(16) "Runway primary surface" means a service longitudinally centered on a runway. The runway primary surface has a width of 250 feet, 125 feet each side of centerline, and a length equal to the length of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(17) "Seaplane" means an aircraft capable of taking off from and landing on water.

(18) "Secretary" has the meaning designated in s. 56.03(11), Stats.

(19) "Transportation facilities" means any airport, roadway, highway, railroad, public trails or waterway adjacent to or in the approach to the landing area.

(20) "Traverse ways" means any routes used by the public including, but not limited to roads, highways, public trails, bike paths, railroads and waterways.

(21) "VFR" has the same meaning as provided in s. 56.03(14), Stats.

**57.04 STANDARDS.** The following standards maintain airport site compatibility with existing and planned transportation facilities in the area:

(1) AIRPORTS. (a) All objects within the approach area of each runway shall be considered in determining compliance. Each type of public traverse way is considered to be an object with a height as follows:

1. Public roads, 15 feet.
2. Private roads, 10 feet.
3. Interstate highways, 17 feet.

4. Railroads, 23 feet.

5. Waterways and other public traverse ways, an amount equal to the height of the highest mobile object that would normally travel upon them.

(b) A displaced threshold may be marked similar to attached diagram B for runways with other than paved surfaces. Runways with paved surfaces shall be marked in accordance with FAA advisory circular 150/5340-1G, "Standards for Airport Markings," as amended. In addition, if the runway is lighted, the displaced threshold shall be lighted in accordance with FAA advisory circular 150/5340-24, "Runway and Taxiway Edge Lighting System," as amended. It applies to low intensity runway lighting systems and medium intensity systems.

**NOTE: These FAA advisory circulars are available from the United States Department of Transportation, Distribution Unit, TAB 443.1, Washington, D. C. 20590.**

(c) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at that approach end.

(2) AIRPORTS OPEN TO THE PUBLIC. (a) If any object penetrates the approach surface, the runway threshold, point of interception of the approach area and the approach surface, shall be displaced down the landing runway.

(b) The displaced threshold shall be located at a point where no object penetrates the 20:1 approach surface.

(3) AIRPORTS NOT OPEN TO THE PUBLIC. (a) The displaced threshold shall be located at a point where no public traverse way clearance height penetrates the 20:1 approach surface.

(b) If the clearance height assigned to any public traverse way penetrates the approach surface, the runway threshold, or point of interception of the approach area and the approach surface, shall be displaced down the landing runway.

(c) A displaced threshold may be marked similarly to attached diagram B for runways with other than paved surfaces. Runway marking and lighting is subject to FAA advisory circular criteria which are identical to airports open to the public.

(d) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at that approach end.

**57.05 APPLICATION EVALUATION.** (1) An applicant proposing to establish a new airport shall submit an application for airport site approval.

(2) The bureau shall review the application to determine if the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. An airport study shall be conducted including review of:

(a) Location of existing and planned highways and railroads.

(b) Location and type of identified obstructions.

(c) Regional planning commission plans, if applicable.

(d) County or local plans and requirements.

(e) Potential conflicts with other airports. A certificate of site approval may be denied if conflicts resulting from overlapping traffic patterns cannot be resolved by nonstandard traffic patterns or written agreement between the airport owners.

(f) IFR and VFR traffic considerations. A certificate of site approval may be denied if the proposed site underlies the airspace in the primary approach area for an instrument approach, and the traffic pattern altitude conflicts with published altitudes for the approach.

(3) An FAA airspace determination shall be considered in the bureau's study, but may not be binding or conclusive. An objectionable airspace determination by the FAA may be considered sufficient grounds to deny a certificate.

(4) No fee shall be charged for the application, review or issuance of a certificate.

**57.06 PUBLIC HEARING.** The bureau may, at its discretion, hold a public hearing on the proposed airport site.

**57.07 ISSUANCE OF CERTIFICATE.** A certificate may be issued by the secretary, or designee, if it is determined that the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. A certificate does not waive or preempt compliance with any applicable ordinances, laws or regulations of any other governmental body or agency. The certificate shall be permanent. No certificate may be issued for seaplane bases as the waters within Wisconsin are sovereign to the people of the state.

**57.08 APPEAL.** (1) **GENERAL.** The secretary shall grant a formal hearing at the request of any applicant after any refusal to issue a certificate. The matter shall be referred to the division of hearings and appeals.

(2) **INFORMAL HEARING.** The applicant shall have 30 days to initiate an informal meeting with the department and address specific grievances to the action, relevant facts and determination of law upon which the grievance is based.

(3) **REAPPLICATION.** The applicant may reapply when discrepancies are resolved in accordance with department criteria.

**57.09 NON-COMPLIANCE.** (1) Individuals who violate any provision of this chapter shall be subject to penalties in accordance with s. 114.27, Stats.

(2) When the department becomes aware of a compliance discrepancy, the secretary may suspend the certificate of airport site approval.

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

(4) 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.

(5) 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.

(6) If the compliance discrepancy is not resolved within 90 days, the secretary may rescind the certificate of airport site approval.

**Trans 57.10 NOTICE OF HEARING.** Notification of all hearings regarding this chapter shall be made in accordance with s. 114.134(4), Stats.

(END OF RULE TEXT)

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 28 day of August, 1998.



CHARLES H. THOMPSON

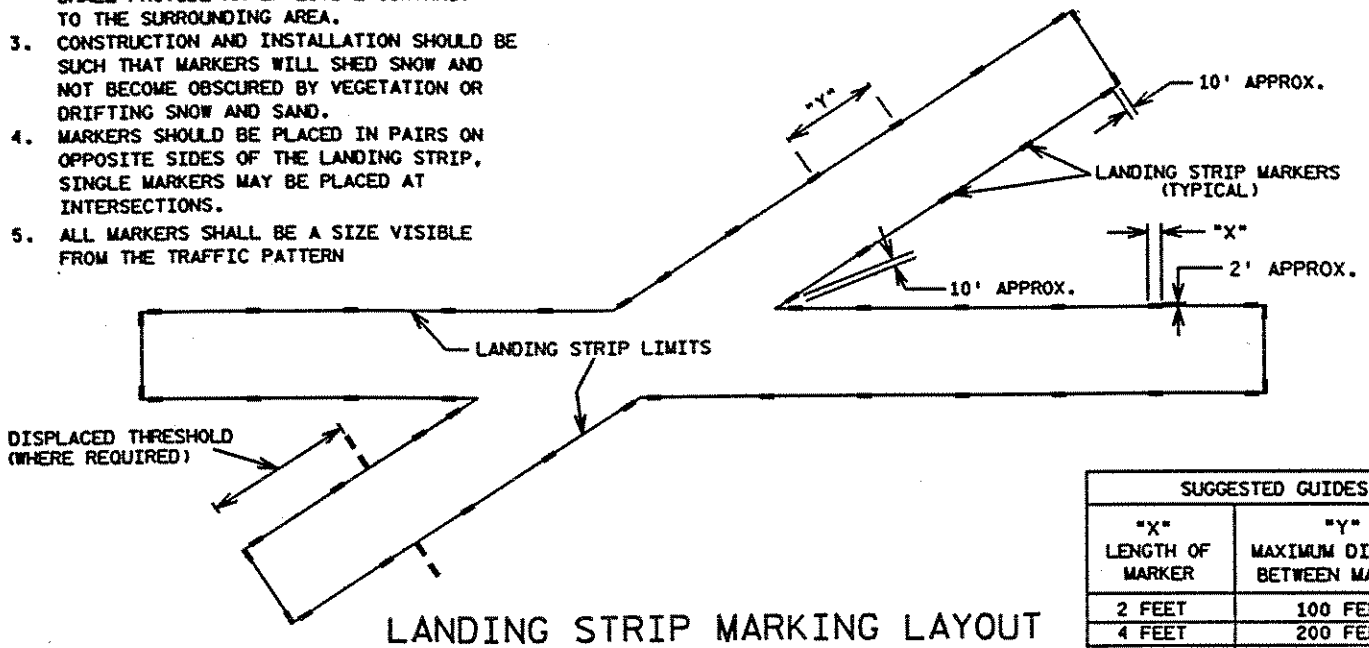
Secretary

Wisconsin Department of Transportation

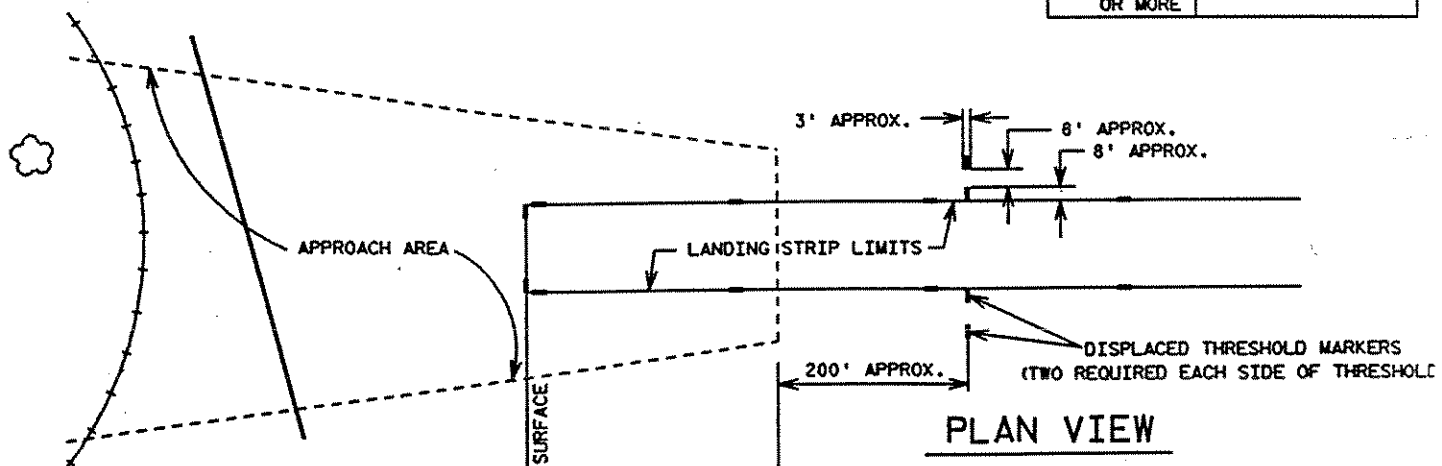
# DIAGRAM B LANDING STRIP MARKING GUIDELINE

## GENERAL NOTES

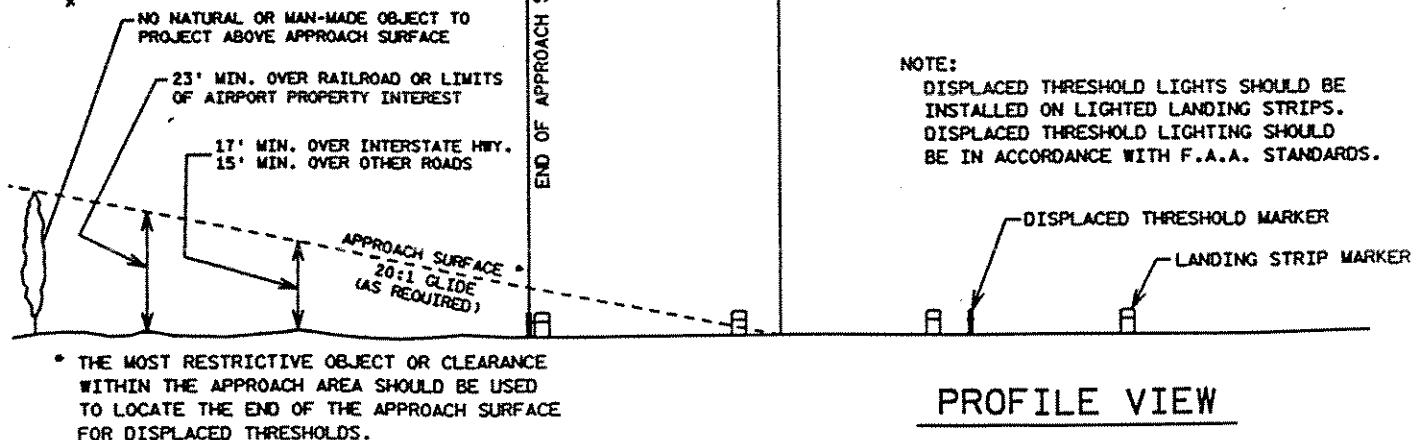
1. ALL MARKERS SHOULD BE CONSTRUCTED OF DURABLE WEATHERPROOF MATERIAL.
2. COLOR OF MARKERS (NATURAL OR APPLIED) SHALL PROVIDE AN EFFECTIVE CONTRAST TO THE SURROUNDING AREA.
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4. MARKERS SHOULD BE PLACED IN PAIRS ON OPPOSITE SIDERS OF THE LANDING STRIP, SINGLE MARKERS MAY BE PLACED AT INTERSECTIONS.
5. ALL MARKERS SHALL BE A SIZE VISIBLE FROM THE TRAFFIC PATTERN



SUGGESTED GUIDES	
"X" LENGTH OF MARKER	"Y" MAXIMUM DISTANCE BETWEEN MARKERS
2 FEET	100 FEET
4 FEET	200 FEET
6 FEET	300 FEET
8 FEET OR MORE	400 FEET



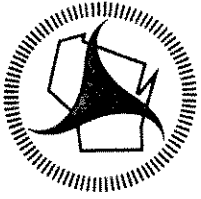
**NOTE:**  
DISPLACED THRESHOLD LIGHTS SHOULD BE INSTALLED ON LIGHTED LANDING STRIPS. DISPLACED THRESHOLD LIGHTING SHOULD BE IN ACCORDANCE WITH F.A.A. STANDARDS.



\* THE MOST RESTRICTIVE OBJECT OR CLEARANCE WITHIN THE APPROACH AREA SHOULD BE USED TO LOCATE THE END OF THE APPROACH SURFACE FOR DISPLACED THRESHOLDS.

## DISPLACED THRESHOLD MARKER LAYOUT





## Wisconsin Department of Transportation



Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

OFFICE OF GENERAL COUNSEL  
P. O. Box 7910  
Madison, WI 53707-7910

The Honorable Brian Rude  
President, Wisconsin State Senate  
Room 301  
119 MLK Jr. Blvd.  
Madison, Wisconsin 53707

October 29, 1998

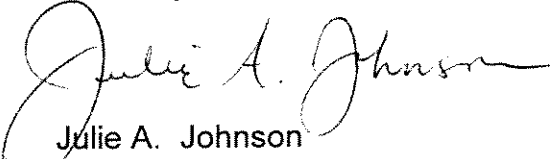
The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 315 North, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 57**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 98-125**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-125**, relating to **standards for airport siting**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

  
Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)/Senator Robert Welch/  
Representative Glenn Grothman/Gene Kussart/Jim Gruendler/Bob Kunkel/  
Keith Gerard/Tom Thomas/Mark Pfundheller

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CR 98-125

The Wisconsin Department of Transportation proposes an order to create ch. TRANS 57, relating to standards for airport siting.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:


Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



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Assistant General Counsel  
Office of General Counsel  
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Madison, WI 53707-7910  
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**PART 1**

**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 114.31(1), 227.11(2) and 227.18, Stats.

**STATUTE INTERPRETED:** s. 114.134(3) to (5), Stats.

**General Summary of Proposed Rule.** Chapter Trans 57 governs issuance, duration, revocation and denial of airport site certification. Anyone wishing to operate an airport in Wisconsin must first obtain a certificate of site approval from the secretary of the Department. This proposed rule establishes criteria for the issuance, duration, revocation and denial of airport site certificates. Issuance will be based upon public safety and airspace coordination over Wisconsin. Airports built prior to June 4, 1974 are exempt from the certification process unless abandoned or permanently closed. The safety standards relating to minimum clearances over traverse ways apply to all airports.

This proposed rule:

(1) Defines technical phrases and terminology.

(2) Describes the standards of the Bureau. Standards are established in accordance with Wisconsin aviation statutes and applicable FAA advisory circulars. The offices of the Attorney General and the Revisor of Statutes Bureau have consented to the incorporation of these standards by reference.

(3) Specifies applicable forms and details the information required in the Department's airport siting review process. It also provides guidelines for resolving conflicts including public hearings and administrative appeals.

**Fiscal Impact.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, technical college district or sewerage district.

**Copies of Rule.** Copies of the rule may be obtained upon request, without cost, by writing to the Wisconsin Department of Transportation, Division of Transportation Assistance, Room 701, P. O. Box 7914, Madison, WI 53707-7914, or by calling (608) 266-2023. Hearing-impaired individuals may contact the Department using TDD (608) 266-3351. Alternate formats of the proposed rule will be provided to individuals at their request.

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**PART 2**  
**TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by ss. 114.31(1), 227.11(2) and 227.18, Stats., the department of transportation hereby proposes an order to create a rule interpreting s. 114.134(3) to (5), Stats., relating to standards for airport siting.

**SECTION 1.** Chapter Trans 57 is created to read:

**STANDARDS FOR AIRPORT SITING**

**TRANS 57.01 Purpose.** The purpose of this chapter is to interpret and implement s. 114.134(3) to (5), Stats., relating to airport site approval and to provide standards for site approval.

**TRANS 57.02 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 not open to the public" is any airport requiring permission from the airport owner or the manager prior to its use by any person other than the owner.

(2) "Airport open to the public" means an airport, whether publicly or privately owned, which is open for aeronautical use by the general public.

(3) "Airport study" means an analysis performed by the department to determine an airport's compatibility with other transportation facilities.

(4) "Applicant" means a person who applies to construct or establish a new airport or activate an airport within the state.

(5) "Application" means FAA form 7480-1, "Notice of Landing Area Proposal" together with a bureau airport site approval application.

**NOTE: FAA form 7480-1, Notice of Landing Area Proposal, and the airport site approval application may be obtained by writing to the Department of Transportation, Division of Infrastructure Development, Bureau of Aeronautics, 4802 Sheboygan Avenue, Room 701, P. O. Box 7914, Madison, WI 53707-7914.**

(6) "Approach area" means a trapezoid centered on the extended runway centerline. The trapezoid has an inner width at the runway threshold of 250 feet, a length of 5,000 feet from the threshold and an outer width of 1,250 feet.

(7) "Approach surface" means an inclined plane which extends outward and upward from the runway threshold at a slope of 20:1, 20 feet horizontal to 1 foot vertical. The approach surface has dimensions which are bound by the vertical projection of the approach area.

(8) "Bureau" means the bureau of aeronautics, division of infrastructure development, Wisconsin department of transportation.

(9) "Certificate" means a certificate of airport site approval issued by the department.

(10) "Displaced threshold" means a landing threshold located at a point on the runway other than the physical end of the runway.

(11) "FAA" has the same meaning as provided in s. Trans 56.03(7), Stats.

(12) "IFR" means instrument flight rules.

(13) "Object" means any structure, objects of natural growth, permanent or temporary construction or apparatus including, but not limited to, buildings, fences, hills, power and telephone lines, shrubs, traverse ways, trees and towers.

(14) "Obstruction" means any object which penetrates the approach surface within the approach area or the runway primary surface.

(15) "Runway" means a defined rectangular area, on a land airport, prepared for the landing and takeoff of aircraft along its length.

(16) "Runway primary surface" means a surface longitudinally centered on a runway. The runway primary surface has a width of 250 feet, 125 feet each side of centerline, and a length equal to the length of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

(17) "Seaplane" means an aircraft capable of taking off from and landing on water.

(18) "Secretary" has the meaning designated in s. Trans 56.03(11), Stats.

(19) "Transportation facilities" means any airport, roadway, highway, railroad, public trails or waterway adjacent to or in the approach to the landing area.

(20) "Traverse ways" means any routes used by the public including, but not limited to roads, highways, public trails, bike paths, railroads and waterways.

(21) "VFR" has the same meaning as provided in s. Trans 56.03(14), Stats.

**TRANS 57.03 Responsibility.** The secretary, or his or her designee, may issue a certificate of airport site approval for a new airport upon determination that the location is compatible with existing and planned transportation facilities in the area.

**TRANS 57.04 Standards.** The following standards shall be met in order to maintain airport site compatibility with existing and planned transportation facilities in the area:

(1) AIRPORTS. (a) All objects within the approach area of each runway shall be considered in determining compliance. Each type of traverse way is considered to be an object with a clearance height as follows:

1. Public roads, 15 feet.
2. Private roads, 10 feet.
3. Interstate highways, 17 feet.
4. Railroads, 23 feet.
5. Waterways and other traverse ways, an amount equal to the height of the highest mobile object that would normally travel upon them.

(b) A displaced threshold shall be marked similar to attached diagram B for runways with other than paved surfaces. Runways with paved surfaces shall be marked in accordance with FAA advisory circular 150/5340-1G, "Standards for Airport Markings," September 27, 1993. In addition, if the runway is lighted, the displaced threshold shall be lighted in accordance with FAA advisory circular 150/5340-24, "Runway and Taxiway Edge Lighting System," September 3, 1975. It applies to low intensity runway lighting systems and medium intensity systems.

**NOTE:** These FAA advisory circulars are available from the United States Department of Transportation, Distribution Unit, TAB 443.1, Washington, D. C. 20590, and are also on file with the offices of the Revisor of Statutes and Secretary of State.

(c) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at the approach end of the runway.

(2) AIRPORTS OPEN TO THE PUBLIC. (a) If any object penetrates the approach surface, then the runway threshold, the point of interception of the approach area and the approach surface shall be displaced down the landing runway.

(b) The displaced threshold shall be located at a point where no object penetrates the approach surface.

(3) AIRPORTS NOT OPEN TO THE PUBLIC. (a) The displaced threshold shall be located at a point where no public traverse way clearance height penetrates the approach surface.

(b) If the clearance height assigned to any public traverse way penetrates the approach surface, then the runway threshold, the point of interception of the approach area and the approach surface shall be displaced down the landing runway.

(c) A displaced threshold shall be marked similarly to attached diagram B for runways with other than paved surfaces. Runway marking and lighting is subject to FAA advisory circular criteria which are identical to airports open to the public.

(d) The effective runway length to be reported for each runway landing direction is the physical length of the runway less the displaced threshold at the approach end of the runway.

**TRANS 57.05 Application evaluation.** (1) An applicant proposing to establish a new airport shall submit an application for airport site approval.

(2) The bureau shall review the application to determine if the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. An airport study shall be conducted including review of:

- (a) The location of existing and planned highways and railroads.
- (b) The location and type of identified obstructions.
- (c) Regional planning commission plans, if applicable.
- (d) County or local plans and requirements.



(e) Potential conflicts with other airports. A certificate of site approval may be denied if conflicts resulting from overlapping traffic patterns cannot be resolved by nonstandard traffic patterns or written agreement between the airport owners.

(f) IFR and VFR traffic considerations. A certificate of site approval may be denied if the proposed site underlies the airspace in the primary approach area for an instrument approach, and the traffic pattern altitude conflicts with published altitudes for the approach.

**NOTE: Published altitudes are contained in the U.S. Terminal Procedures, published by the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, NOAA, N/ACC3, Distribution Division, Riverdale, MD 20737, telephone (800) 638-8972.**

(3) An FAA airspace determination shall be considered in the bureau's study, but is not binding or conclusive. An objectionable airspace determination by the FAA may be considered sufficient grounds to deny a certificate.

(4) No fee shall be charged for the application, review or issuance of a certificate.

**TRANS 57.06 Public hearing.** The bureau may, at its discretion, hold a public hearing on the proposed airport site.

**TRANS 57.07 Issuance of certificate.** A certificate may be issued by the secretary, or his or her designee, if it is determined that the location of the proposed airport site is compatible with existing and planned transportation facilities in the area. A certificate does not waive or preempt compliance with any applicable ordinances, laws or regulations of any other governmental body or agency. The certificate is permanent.

**NOTE: No certificate may be issued for seaplane bases as the waters within Wisconsin are sovereign to the people of the state.**

**TRANS 57.08 Appeal.** (1) GENERAL. The secretary shall grant a formal hearing at the request of any applicant after any refusal to issue a certificate. The matter shall be referred to the division of hearings and appeals.

(2) INFORMAL HEARING. If an applicant desires an informal meeting with the department to address specific grievances to the action, relevant facts and determination of law upon which the grievance is based, the applicant shall do so within 30 days after any refusal to issue a certificate.

(3) REAPPLICATION. The applicant may reapply when identified discrepancies that conflict with transportation facilities are resolved.

**TRANS 57.09 Non-compliance.** (1) Individuals who violate any provision of this chapter shall be subject to penalties in accordance with s. 114.27, Stats.

(2) When the department becomes aware of a compliance discrepancy, the secretary may suspend the certificate of airport site approval.

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

(4) 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.

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

(6) If the compliance discrepancy is not resolved within 90 days after receipt of notice, the secretary may rescind the certificate of airport site approval.

**Trans 57.10 Notice of hearing.** Notification of all hearings regarding this chapter shall be made in accordance with s. 114.134(4), Stats.

**(END OF RULE TEXT)**

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

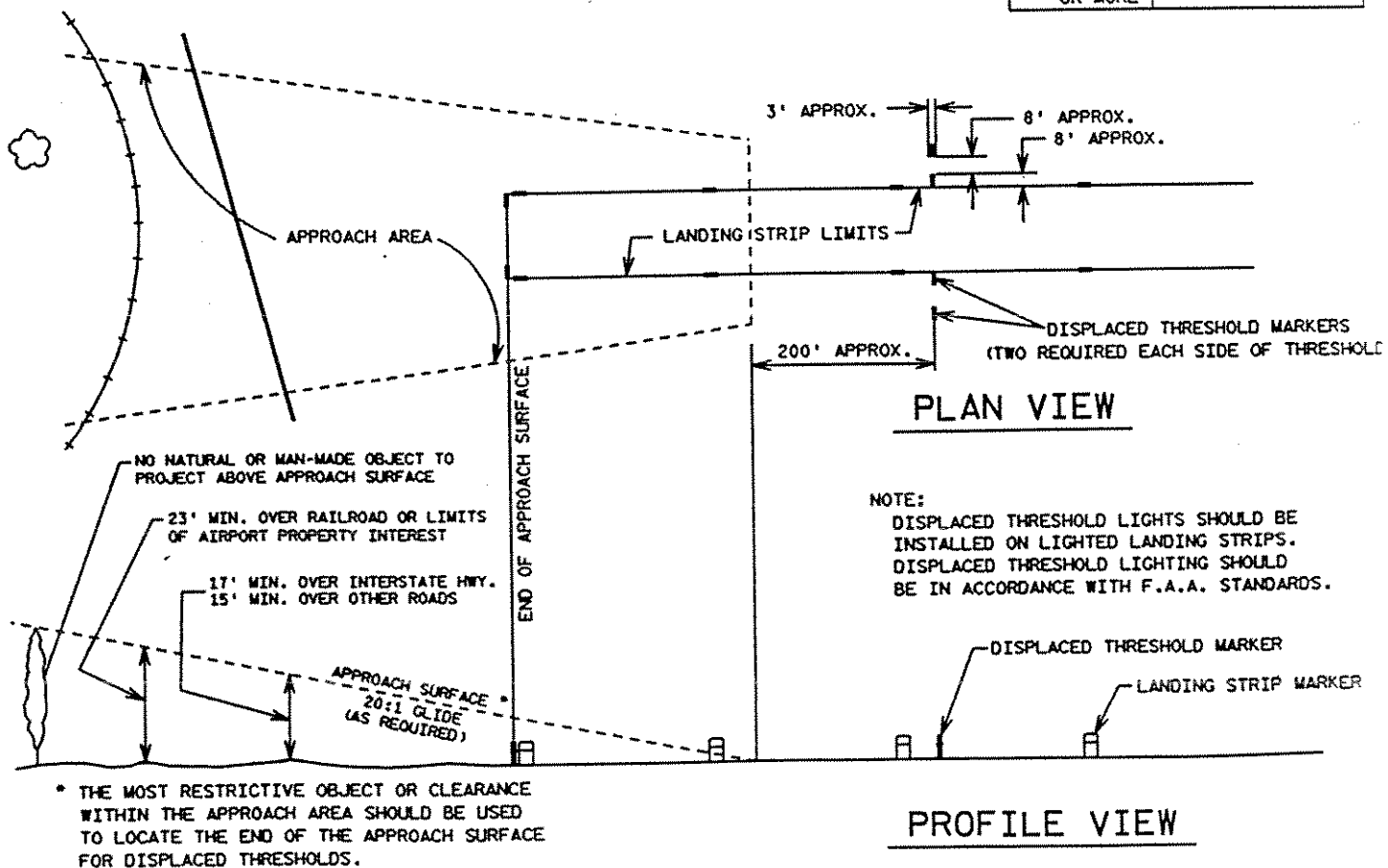
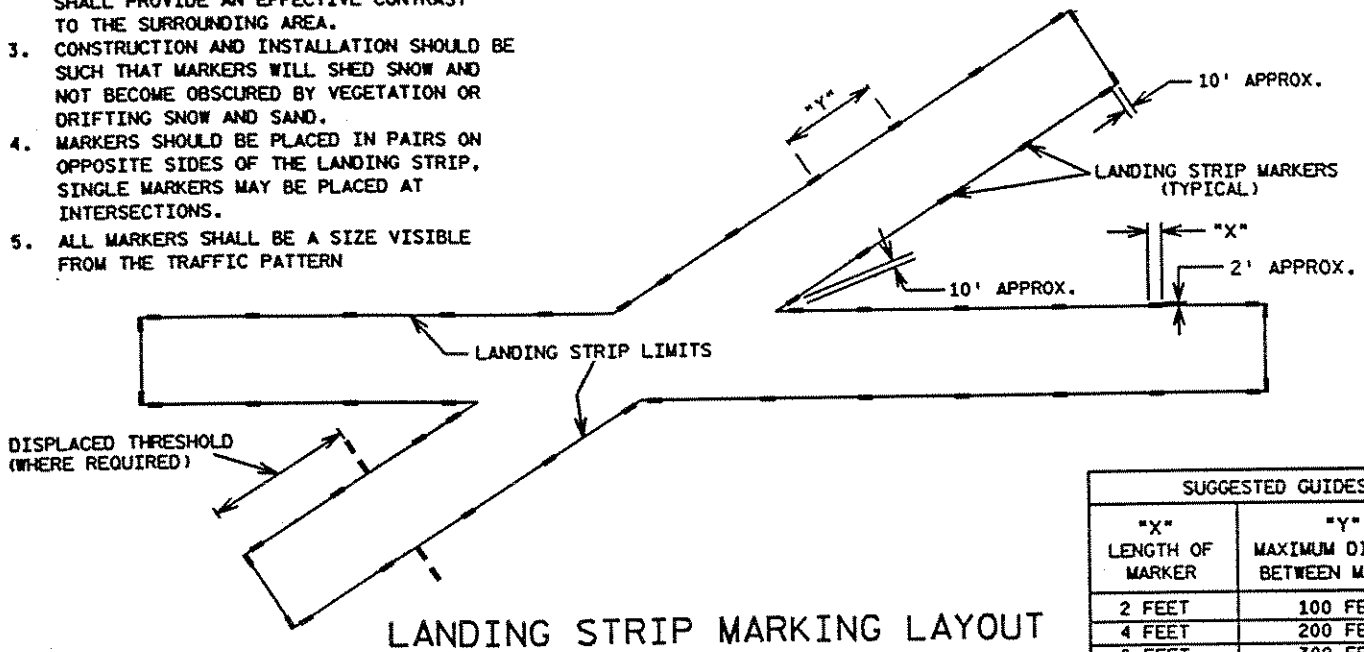
Signed at Madison, Wisconsin, this 28 day of October, 1998.

  
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CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation

# DIAGRAM B LANDING STRIP MARKING GUIDELINE

## GENERAL NOTES

1. ALL MARKERS SHOULD BE CONSTRUCTED OF DURABLE WEATHERPROOF MATERIAL.
2. COLOR OF MARKERS (NATURAL OR APPLIED) SHALL PROVIDE AN EFFECTIVE CONTRAST TO THE SURROUNDING AREA.
3. CONSTRUCTION AND INSTALLATION SHOULD BE SUCH THAT MARKERS WILL SHED SNOW AND NOT BECOME OBSCURED BY VEGETATION OR DRIFTING SNOW AND SAND.
4. MARKERS SHOULD BE PLACED IN PAIRS ON OPPOSITE SIDES OF THE LANDING STRIP, SINGLE MARKERS MAY BE PLACED AT INTERSECTIONS.
5. ALL MARKERS SHALL BE A SIZE VISIBLE FROM THE TRAFFIC PATTERN

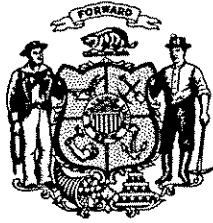


\* THE MOST RESTRICTIVE OBJECT OR CLEARANCE WITHIN THE APPROACH AREA SHOULD BE USED TO LOCATE THE END OF THE APPROACH SURFACE FOR DISPLACED THRESHOLDS.

## DISPLACED THRESHOLD MARKER LAYOUT

***RULES CLEARINGHOUSE***

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PART 3

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-125**

AN ORDER to create chapter Trans 57, relating to standards for airport siting.

Submitted by **DEPARTMENT OF TRANSPORTATION**

08-31-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-24-98 REPORT SENT TO AGENCY.

RS:DLS;jal;kjf

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

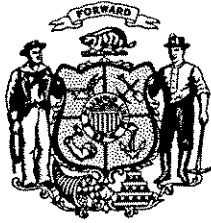
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-125

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 2. Form, Style and Placement in Administrative Code

- a. The order of ss. Trans 57.02 and 57.03 should be reversed.
- b. In s. Trans 57.02, the phrase ", or his or her designee," should be inserted after the first occurrence of the word "secretary" and the last sentence should be deleted.
- c. In s. Trans 57.07, the last sentence should be placed in a note to the rule.

#### 4. Adequacy of References to Related Statutes, Rules and Forms

Section Trans 57.03 refers to s. 56.03, Stats. Chapter 56, Stats., does not exist. These references need to be revised.

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. Trans 57.01, the phrase "for site approval" should be inserted after the word "standards."
- b. In s. Trans 57.03 (1), to what does the phrase "designated authority" refer? In sub. (10), the phrase "of the runway" should be inserted after the word "end." In sub. (15), a comma should be inserted after the word "airport." Finally, in subs. (18) and (21), a consistent format should be used.

c. In s. Trans 57.03 (16), it appears that the word "service" should be replaced by the word "surface."

d. In s. Trans 57.04 (intro.), the phrase "shall be met in order to" should be inserted before the word "maintain." In sub. (1) (a) (intro.), the word "public" should be deleted since its use is redundant given the definition of "traverse ways." Also, it appears that the word "clearance" should be inserted before the word "height." If the heights listed in sub. (1) (a) are minimum heights, the rule should be clarified to so state.

e. In s. Trans 57.04 (1) (b), should the word "may" be replaced by the word "shall"? If so, what direction is given by the use of the word "similar"? [See also sub. (3) (c).]

f. In s. Trans 57.04 (1) (c), the phrase "at that approach end" should be replaced by the phrase "at the approach end of the runway." [See also sub. (3) (d).]

g. In s. Trans 57.04 (2) (a), it appears that the word "and" should be replaced by the word "or." Also, the comma before the phrase "shall be displaced" should be deleted. [See also sub. (3) (b).]

h. In s. Trans 57.04 (2) (b) and (3) (a), the notation "20:1" should be deleted since the term "approach service" is a defined term including the notation.

i. In s. Trans 57.05 (2) (a) and (b), the word "location" should be replaced by the phrase "the location." In sub. (2) (f), to what does the phrase "published altitudes" refer? In sub. (3), is the phrase "bureau's study" a reference to the defined term "airport study"? If so, the defined term should be used. Also, in sub. (3), the phrase "may not be" should be replaced by the phrase "is not."

j. In s. Trans 57.07, the phrase "his or her" should be inserted before the word "designee." Also, the phrase "shall be permanent" should be replaced by the phrase "is permanent."

k. In s. Trans 57.08 (2), must an applicant request an informal meeting with the department within 30 days of a refusal to issue a certificate? Or must the applicant begin an informal meeting with the department within this time period? In sub. (3), to what does the phrase "department criteria" refer?

l. In s. Trans 57.09 (5) and (6), when do the time limits begin running?



**PART 4**  
**CR 98-125**

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**ANALYSIS OF FINAL DRAFT OF TRANS 57**

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(a) **Need for Rule.** Chapter Trans 57 governs issuance, duration, revocation and denial of airport site certification. Anyone wishing to operate an airport in Wisconsin must first obtain a certificate of site approval from the secretary of the Department. This proposed rule establishes criteria for the issuance, duration, revocation and denial of airport site certificates. Issuance will be based upon public safety and airspace coordination over Wisconsin. Airports built prior to June 4, 1974 are exempt from the certification process unless abandoned or permanently closed. The safety standards relating to minimum clearances over traverse ways apply to all airports.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison, WI on September 30, 1998. No one appeared or registered at the hearing.

(c) **List of Persons who Appeared or Registered at Public Hearing.** None.

(d) **Response to Legislative Council Recommendations.** All of the Legislative Council reports have been incorporated into the proposed rule. In response to comment 5.e., a displaced threshold shall be marked, but the method of marking will be dependent upon a number of factors. Diagram B provides an example on how to mark a displaced threshold, but similar methods will be acceptable. In response to comment 5.l., the sections were amended to indicate when the time limits begin running.

(e) **Final Regulatory Flexibility Analysis.** This proposed rule will have no adverse impact on small businesses.