

—TOWN OF—
MIDDLETON
Wisconsin

12/29/2020

Sent via Email

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Craig Thompson, Wisconsin Department of Transportation secretary-designee
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David Greene, Wisconsin Dept. of Transportation, Director, Bureau of Aeronautics
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Re: Middleton Municipal Airport – Morey Field (C29); 2002 C29 Airport Layout Plan and Runway 01 Runway Protection Zone

Dear Secretary-Designee Thompson and Bureau of Aeronautics Director Greene:

Thank you for Wisconsin Department of Transportation Bureau of Aeronautics (“BOA”) Director Greene’s reply letter dated 12/18/2020 regarding the 2002 Middleton Municipal Airport – Morey Field (a/k/a “C29” or “Morey Airport” or “Airport”) Airport Layout Plan (“ALP”).

Mr. Greene’s correspondence states the unsigned 2008 ALP followed all steps required for Federal Aviation Administration (“FAA”) approval. This suggests the unsigned 2008 ALP sufficiently satisfies the FAA assurance requirements for continuing federal funding. Per FAA Order 5100.38D, “The ADO must verify that the following requirements are met prior to the ADO processing a grant closeout...”. Table 5-32 Grant Administration Closeout Requirements: ...

e. Updated Airport Layout Plan (1) The sponsor has updated the ALP to reflect that the project has been completed (vs. proposed).”

Per the obligations of the FAA Airport Districts Office (or their sponsor based on a State block Grant MOU), an amount equal to 10% of the grant (related to the redevelopment of C29) should have been withheld until an As-Built ALP was submitted and approved.

In addition, per notes depicted on the unsigned C29 ALP dated 10/06/2008, it can be implied that a current approved version of a C29 ALP has not existed since prior to the Airport’s redevelopment “post 2004”. These notes are as follows (emphasis added):

- *The official FAA signed version of the ALP is the one URS completed in 2002, right before the airport was redeveloped.*

- *At some point after the Airport's redevelopment (post 2004), an ALP was developed to depict the "As-Built: conditions following construction. It does not seem that this ALP was ever submitted for FAA approval or signature. Josh Holbrook at the BOA has confirmed that his office has an ALP prepared in 2008, but it is unsigned.*
- *Since 2004, Mead & Hunt used the As-Built to depict concepts of future development and adjacent land use, but this work was not supported by formal planning and was not submitted to the FAA for approval. They used this ALP to depict the snow removal equipment ("SRE") building for FAA airspace review; in 2012 they submitted an ALP insert sheet for the proposed southeast hangar area development; in 2018 they submitted an ALP insert sheet, Points of Interest, and Updated Land Use drawing for the proposed solar area.*

The version of the ALP that accompanied Mr. Greene's correspondence does not meet the definition of an approved ALP, beyond its lack of a signature or approved letter, such as not including a scale depicted as "N/A" (Not Applicable) and Existing versus Ultimate Development scenarios. In addition, and perhaps most importantly, an "Approved ALP" cannot be marked as "Draft".

In essence, this means the BOA or FAA, or both, have indicated an approval of an ALP for C29 with a runway protection zone, 79% of which is located over a heavily utilized roadway (approximately 10,000 vehicles per day), two unsignalized intersections and four commercial business lots (two of which are developed). By any analysis, this is an extremely dangerous situation. Where does the protection of the public fit into this untransparent, rather casual, approval process? Even Mead & Hunt advised the City of Middleton it should consider closing C29 Runway 01.

Protecting and promoting the public interest, which includes protecting the public safety and well-being of people on the ground in the vicinity of airports, is an important government priority. The Wisconsin Department of Transportation, Bureau of Aeronautics, 2011 Wisconsin Airport Land Use Guidebook highlights the importance of compatible land use for the safety of people on the ground within five miles of an airport, which includes RPZs (formerly known as clear zones) referred to as a "critical safety zone". In addition, lower altitude flying decreases the chances of successful recovery from unexpected conditions and aircraft accident data illustrates three important areas for consideration for the safety of people on the ground:

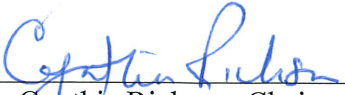
- Land uses located under the airport traffic pattern;
- Land uses located within one-quarter miles of an airport; and
- Land uses located in the areas off the approaching ends of the runway, which include areas ranging from one-quarter to five miles from the end of each runway at an airport.

It seems clear that the City of Middleton has little or no concern for public health, safety or welfare. This again strongly suggests the need for an independent section within the Wisconsin Department of Transportation to provide regulatory protection for the public. We suggested this was a need in our September 24, 2020 letter pointing out that the BOA is specifically designated as the agent of the City of Middleton with respect to its C29 proposals. The City of Middleton may not have fully disclosed all of the facts, and this may have affected the BOA's review of this matter. We request that Mr. Greene address again the issues raised in this letter now that more of the relevant facts and law are before him. We are confident that BOA and the Wisconsin Department of Transportation are concerned, like the Town, with the safety of members of the general public whether in the Towns of Middleton or Springfield or the City of Middleton.

Thank you in advance for your prompt attention to this important public safety matter. We look forward to receiving your reply within the next two weeks.

Sincerely,

Town of Middleton Board of Supervisors

By: 
Cynthia Richson, Chair

By: 
Richard Oberle, Supervisor, Seat #1

By: 
Brent Renteria, Supervisor, Seat #2

By: 
Denise Schmidt, Supervisor, Seat #3

By: 
Tom Sternrich, Supervisor, Seat #4

Cc: Rebecca B. MacPherson, Regional Administrator, Federal Aviation Administration,
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