



FDM 5-2-1 Department of Transportation

March 16, 2018

1.1 FHWA-Administration and Oversight

Procedures for administering federally funded highway improvement and highway related projects are contained in the agreement(s) between the State of Wisconsin and the Federal Highway Administration (FHWA).

[Exhibit 1.1](#) is the "FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach". This Agreement details how FHWA and WisDOT stewardship and oversight of federal-aid projects will be carried out. Project level stewardship and oversight will use a risk-based approach that incorporates results from the FHWA Wisconsin Division's Risk Management Process. This risk-based approach is meant to maximize the use of limited resources and time.

This risk-based approach to project stewardship and oversight will be carried out through four major elements:

1. Project Selection Process for Projects of Corporate Interest (PoCI) and Projects of Division Interest (PoDI),
2. Approval Action and Monitoring Responsibilities for PoCIs, PoDIs and Delegated Projects,
3. Project-Specific Agreements for Mega (FHWA Major) Projects, and
4. Compliance Assessment Program (CAP) Reviews.

1.2 Forest Highway Statewide Agreement

[Exhibit 1.2](#) of this procedure is a copy of the Forest Highway Statewide Agreement between WisDOT, FHWA, and the USDA Forest Service. This three-party agreement, supersedes a previous two-party (WisDOT/FHWA) agreement dated March 21, 1977 and complies with current federal legislation. The agreement sets forth mutually acceptable procedures for the planning, programming, development, construction, and maintenance of designated Forest Highways in Wisconsin which utilize Forest Highway funding.

Note that this agreement for the Forest Highway Program is different from the Memorandum of Understanding ([FDM 5-5 Attachment 5.1](#)) which relates to the use and occupancy of National Forest lands for state highways and projects with federal aid.

LIST OF EXHIBITS

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|-----------------------------|---|
| Exhibit 1.1 | FHWA and WisDOT Stewardship & Oversight of Projects through Implementation of a Risk-Based Approach |
| Exhibit 1.2 | Forest Highway Statewide Agreement |

FDM 5-2-5 Federal Aviation Administration

May 16, 2023

5.1 Federal Aviation Administration (FAA)

5.1.1 Basis for Coordination

Federal Regulation 14 CFR Part 77 relating to the safe, efficient use, and preservation of the navigable airspace requires notice to and coordination with the Federal Aviation Administration (FAA) for certain actions within defined proximity to airports. These actions include changes to or creation of traverse ways such as roadways, railways, and navigable waterways.

The established airport proximity guidelines contained in 14 CFR Part 77 are calculated based on existing and planned airport facilities, elevations and length of airport runways, elevations, and geographical locations of a project in relation to airport facilities, and other factors. **A simple lateral boundary or "buffer" around an airport is not sufficient in making a coordination determination due to the complexity in calculating whether 14 CFR Part 77 applies.**

See also FDM 5-10-25 for requirements under Wis. Stat. 114.134 and coordination requirements with the WisDOT Bureau of Aeronautics (BOA).

5.1.2 Coordination Process

Coordination with the FAA takes place when there is a potential for substandard airway-highway clearances between a proposed highway project and existing or planned aviation facilities. The purpose of coordination is to prevent substandard clearances from occurring.

The project manager needs to ensure that coordination with FAA is completed as described below, including coordination on additional matters besides highway alignment. Sign bridges, light poles and even tall construction equipment can all infringe on airway-highway clearance and so, adversely affect airport operations and endanger the flying public.

Assigned project personnel need to coordinate with the FAA when requested, as required in 14 CFR Part 77. In addition, FAA coordination is needed if any of the following types of construction or alteration (including temporary construction objects) are proposed:

- (a) Any construction or alteration that is more than 200 ft. above ground level (AGL) at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

It is understood that project designers may not have enough detail on construction methods or equipment heights/locations to be able to complete all needed FAA coordination during a project's design. However, coordination for construction equipment that exceed FAA notice criteria must still be completed prior to construction. The construction contractor may file this coordination, but ultimate responsibility for ensuring proper coordination and compliance remains with the WisDOT project Construction Manager.

Notice and coordination should be filed by assigned project personnel at the FAA's Obstruction Evaluation website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>) along with supporting data supplied by the transportation region. To assist project personnel and construction contractors in determining if a notice of proposed construction is required, use the "Notice Criteria Tool" on the FAA's Obstruction Evaluation website.

[FAA – How To Use Notice Criteria Tool Instructions](#)

FAA coordination staff contact information can be found here:

<https://oeaaa.faa.gov/oeaaa/external/public/aorMap.jsp>

A single project point entered into the FAA's Notice Criteria Tool is often not sufficient to adequately determine if a project should be coordinated with the FAA. The WisDOT Bureau of Aeronautics recommends checking multiple points within the project (suggest 1/3 to 1/2 mile increments) as well as any planned structures over 15 ft tall (i.e. signs, overhead utilities, roadway lighting, signals, or other structures).

[FAA – How To File Multiple Cases Off Airport User Instructions](#)

The FAA makes the ultimate decision regarding filing needs (point intervals, number and/or types of structures needing filing, etc).

For projects requiring FAA coordination:

A supplemental notice must be filed online at oeaaa.faa.gov during construction, to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA:

- (a) Within 5 days after the structure reaches its greatest height,
- (b) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned; and
- (c) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Coordination efforts with the FAA are only valid for timeframes specified in FAA responses. Additional coordination may be required if coordination documents expire. **All FAA coordination efforts should be validated by FAA within 180 days of construction start, including no coordination required findings.**

For projects proposed to be completed on airport property, Section 114.134, Wisconsin Statutes, places the burden of complying with applicable federal standards on the airport owner/operator. Such person(s) must obtain a certificate of approval from the Secretary of the Wisconsin Department of Transportation (WisDOT) for the location of the proposed airport. For projects proposed to be completed on airport property, coordination between the Bureau of Aeronautics and the appropriate transportation region is needed for a clearance determination. This coordination is what forms the basis on which the certificate of approval is issued or denied.

See also [FDM 5-10-25.5](#) for the BOA Coordination Process.

5.1.3 Specific Results Intended

For proposed highway projects, it is vitally important to ensure the safety and compatibility between air and road traffic. This includes temporary objects or equipment needed to maintain or upgrade roadways.

It is essential to document coordination that has taken place throughout all phases of project development, design, construction and close out. Documentation would normally consist of exhibits in the environmental document detailing the correspondence between agencies and updated throughout the project cycle. Additional FAA determinations received after a final environmental document should be retained in the project file and project personnel should ensure that any environmental mitigation and commitments impacted are updated.

5.1.4 References

Criteria for determining applicable airway-highway clearances are found in "Federal Aviation Regulations (FAR), Part 77 - Objects Affecting Navigable Airspace."