

bb) for the purpose of constructing or expanding an airdrome, or

cc) for the purpose of eliminating obstructions to air navigation, or for their modification to comply with the needs of air safety so far as the measures specified therefor in section 96 are not sufficient.

b) in the field of military aviation for purposes of national defense.

Section 98. Expropriation—Applicants.

Expropriation may be requested in accordance with section 97 by:

a) the Federal Government, represented by the Federal Civil Aviation Office, for purposes of air safety,

b) the airdrome operator, for the purpose of constructing or expanding a civil airdrome,

c) the airdrome operator, for the purpose mentioned in section 97, subparagraph cc, if the obstruction to air navigation is located within a safety zone; otherwise the Federal Government, represented by the Federal Civil Aviation Office, and

d) the Federal Government represented by the Federal Ministry of National Defense, in the cases of section 97, subparagraph b.

Section 99. Suitable Application of the Railroad Expropriation Law of 1954.

(1) With respect to the object and extent of expropriation, compensation, expropriation procedure and execution of expropriation for purposes of civil aviation, the provisions of the Railroad Expropriation Law of 1954, Federal Law Gazette 71, shall apply accordingly, subject to the following provisions.

(2) Upon request of the person affected by the expropriation the entire plot of land or the entire realty shall be included in the expropriation when otherwise the portion of the land or property remaining after the contemplated expropriation could not be put to practical use.

(3) Upon request by the person affected by the expropriation, monetary compensation may be replaced by compensation in kind, of equal value, if the applicant for expropriation is able to do so without delaying compensation proceedings. In case of dispute, the court shall decide whether according to the facts of the case such compensation is reasonable and appropriate.

(4) The provincial governor shall call a hearing at the place within six weeks from the time when the expropriation plans and lists of the land and rights claimed are made available for inspection in the community concerned.

(5) On the basis of the final expropriation decree, contracts of persons enjoying the contractual rights of usufruct, of use or tenancy rights or persons holding property rights insofar as such rights cannot be expropriated shall be terminated as of the next legal date of termination and the objects of contract shall be vacated within the legal period of time even though the contract provides otherwise.

(6) In the cases of section 97, subparagraph b, in which a public airport is affected by the expropriation, the Federal Ministry of National Defense shall decide in concurrence with the Federal Ministry of Transport and Electric Power. The expropriation shall be admissi-