

## TABLE OF CONTENTS

<b>Disaster Damage Aids Program Overview .....</b>	<b>2</b>
Objective.....	2
Description.....	2
Eligibility.....	2
Eligible Costs .....	3
Ineligible Costs .....	3
Funding.....	4
<b>Disaster Damage Aids Roles and Responsibilities .....</b>	<b>4</b>
Program Timeline .....	4
Local Government .....	4
Region DDA Representative.....	6
Statewide Program Manager/Bureau of Highway Maintenance Engineer.....	7
<b>Disaster Damage Aids Process.....</b>	<b>8</b>
<b>WisDOT Disaster Damage Aids Representatives by County.....</b>	<b>12</b>
<b>Appendices .....</b>	<b>14</b>
<b><i>A</i></b> - <b><i><u><a href="#">Disaster Damage Aids Petition</a></u></i></b>	
<b><i>B</i></b> - <b><i><u><a href="#">WisDOT Disaster Damage Aids Representatives by County</a></u></i></b>	
<b><i>C</i></b> - <b><i><u><a href="#">How to Calculate Replacement versus Improvement</a></u></i></b>	
<b><i>D</i></b> - <b><i><u><a href="#">Wisconsin Statute 86.34</a></u></i></b>	
<b><i>E</i></b> - <b><i><u><a href="#">Overview of Emergency Highway Aid Programs in Wisconsin</a></u></i></b>	

## Disaster Damage Aids Program Overview

### Objective

The Disaster Damage Aids (DDA) Program provides financial assistance to local governments to repair any highway that has had significant damage due to a disaster event. The program is governed by [s. 86.34, Wis. Stats.](#)

### Description

Towns, villages, cities or counties may apply for financial aid due to disaster damage to any public highway under its jurisdiction that is not on the State Trunk or Connecting Highway systems.

Applicants may obtain funds to repair a highway to match its pre-disaster condition (i.e., replacement) and to make changes to a highway, its drainage facilities, etc. to prevent similar damage(s) from occurring in the future (i.e., improvement). Applicants may also submit for damages caused by any governmental unit in response to the disaster event (i.e., replacement). The applicant pays a share of these replacement and improvement costs.

To apply for DDA, the county highway committee (county highway commissioner if there is no committee) or the governing body of the municipality having jurisdiction over maintenance must adopt and certify a petition for aid, which includes information specified by WisDOT. The petition must be forwarded to the [WisDOT Region DDA Representative](#) within **60 days** of the date of the disaster event.

WisDOT may extend the filing deadline for petitions if it appears that federal disaster aid in the form of [Public Assistance](#) or [Emergency Relief](#) may be forthcoming. Extensions may also be granted if widespread or continuous damage makes an evaluation of disaster damage difficult. If federal aid is granted for damage, the federal aid shall be in lieu of aid otherwise available for such damage under [s. 86.34, Wis. Stats.](#)

### Eligibility

Disaster means any of the following:

- A severe storm, flood, fire, tornado, mudslide, or other natural event external to a highway or a catastrophic highway failure.

Definition of a Highway s. 340.01(22)

- "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. [115.01 \(1\)](#), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. [\(46\)](#)

For road damages to be eligible, the highway **must have been closed or rendered impassable** due to a disaster event or qualify for damages caused by any governmental unit in response to the disaster event.

- A closed road is defined as: damages that prevent any vehicle from traveling safely through the affected area. This can be a total washout or partial washout due to pavement undermining. Debris on the road or flooding over the road which closes the road does not automatically make the resultant damages eligible.
- A road is impassable when a non-4WD vehicle cannot safely travel through an affected area.
- A road has been damaged by a governmental unit in response to the disaster event.
- Local government authority should officially close the road when practical using barricades/signs.

It is not the intent of the law to assist local governments in the ordinary maintenance of roads and bridges or even repairs such as ditch washouts, embankment failures, debris removal or minor loss of surface gravel (i.e., heavy maintenance) that does not affect the road core or traveler safety, but rather to take care of distinctly out-of-the-ordinary situations.

<b>Eligible Costs</b>
Roadbed and/or culvert washouts.
Structure failures or undermining.
Pavement (driving surface) undermining (to a significant safety level).
Embankment failures, major shoulder washouts, and curb and gutter or storm sewer facility damages that cause a loss of roadbed integrity.
Debris removal <u>only</u> if the road is also damaged.
Damage caused by any governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit and in response to a disaster event.
<b>Ineligible Costs</b>
Partial loss or marring of road surface material (gravel).
Shoulder washouts or embankment failures without undermining – road remains open to traffic.
Minor damages to curb and gutter or storm sewer facilities.
Ditch erosion or cleaning.
Debris removal if there is no damage to the roadway.
Municipal utilities are not eligible unless they are an integrated part of a road, as in the case of a combination storm/sanitary sewer.
Abandonment of an existing road. DDA only pays for replacement or improvement of an existing road.

It is the applicant's responsibility to prove that a site is eligible. Pictures are not required, but are very effective in documenting damages and proving eligibility. Verifiable repair costs or cost estimates are required for each site. Records may be in the form of invoices or receipts whether electronic or written. Claims may be ruled ineligible if there is inadequate documentation.

## Funding

DDA is a biennial program with annual appropriation levels of \$1,000,000 and also categorized as a sum sufficient appropriation, which means if further funding is needed, it can be allocated in the amounts necessary. The dollar amount provided by the state biennial budget is the most reliable estimate of the funding needed.

A county or municipality having jurisdiction over the facilities damaged may apply for both federal and state aid for damage, pending a determination of eligibility. If federal aid is granted, the federal aid shall be in lieu of aid otherwise available under [s. 86.34 \(c\) Wis. Stats.](#) An *Overview of Emergency Highway Aid Programs* can be found in [Appendix E](#).

Final costs:

- Applicant is reimbursed for 75% of replacement costs, **PLUS** 50% of the increased cost of the reconstruction to a higher type or the improvement of any of the facilities.

**OR**

- Applicant is reimbursed for 70% of replacement costs to repair or replace roadway to standards similar to those that existed immediately before the damage or destruction caused by a governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit in response to a disaster event.

Estimated costs on claims of \$15,000 or less:

- Applicant has the option of accepting payment equal to 75% of the total amount of WisDOT's estimate for replacement and improvement costs.

## Disaster Damage Aids Roles and Responsibilities

### Program Timeline

Time	Action
Year round.	A disaster event occurs.
Within 60 days of the disaster event.	Local government notifies the WisDOT Region DDA Representative of disaster event as soon as possible. Representative distributes forms and information.
Within 60 days of the disaster event.	Local government submits a DDA petition to WisDOT Region DDA Representative, unless an extension has been granted.
Within 6 months (180 days) of the DDA Petition (date of resolution).	WisDOT Region DDA Representative makes on-site investigation with the local government and makes a determination as to the granting of aid.
Within 2 years of the DDA Petition.	Local government submits the necessary paperwork for an eligible claim to WisDOT Region DDA Representative to finalize the claim and forwards to statewide DDA Program Manager for payment.

### Local Government

1. The county highway committee or the governing body of the municipality having jurisdiction over road maintenance notifies the appropriate WisDOT Region Representative of the disaster damage (for location and contact information see [Appendix B](#)).

2. Complete and submit a [Disaster Damage Aids Petition](#) within 2 months (**60 days**) of the disaster date to WisDOT Region Office (location and contact information in [Appendix B](#)) this constitutes a formal request for aid.
  1. The petition must describe the location, nature and extent of the damage for each site. (See eligible and ineligible costs starting on [page 2](#)).
  2. A disaster event can occur from one storm or several storms over one or more days. Therefore, all sites in the local government's jurisdiction should be listed on a single petition for a disaster event. This is especially important to fairly administer the provision allowing claims of \$15,000 or less to be paid on estimates.
  3. The county highway committee or the governing body of the municipality's authorized representative must sign the petition. For counties, the committee chair may certify the petition, or county highway commissioner may certify if the county does not have a committee.
  4. Should include for each site on the petition at least one picture of the damage. (**Note:** If work has to be done before a WisDOT Representative is able to investigate the site, pictures provide proof that the project was more than heavy maintenance.)
  5. A map showing site location(s).
  6. Unless an extension has been granted to submit petitions for a disaster event, petitions submitted after the 60 days will not be funded.
3. Accompany a WisDOT Region DDA Representative on a field review of damaged sites. WisDOT is required per [Wis. Stat. 86.34 \(2\)](#) to conduct its investigation within 6 months (**180 days**) of filing the petition (date of resolution).
4. Upon determination of eligibility by region representatives, final costs must be submitted within two years of the petition date (date resolution is passed). In exceptional circumstances, extensions may be granted. When repairs are made, it is extremely important to keep detailed cost records for each site, since these costs must be reported to WisDOT and verified before any payment will be made. WisDOT needs to complete the Investigation and Cost Estimate for each site and must include:
  - ▶ List of workers used; their hourly labor rate and hours worked.
  - ▶ List of equipment used, rental or charge rates and hours used.
  - ▶ List of materials used, price per unit and quantities used.
  - ▶ Invoices for labor, equipment and materials.
  - ▶ Invoices for contractor, engineering and similar services.

Additional eligible items:

- ▶ Traffic control devices used (rented or owned) to prevent access to the damaged site. (**Note:** the cost to purchase new traffic control devices are not eligible.)
- ▶ Social Security and Medicare rates for labor. Labor rates that include insurance, retirement, or personal benefits, if documented.
- ▶ Administrative costs are eligible when repair work is contracted out (force account work).

Ineligible:

- ▶ Labor costs by the applicant for field reviews, meetings and preparing claim documentation, which are considered administrative items.
- ▶ Site vandalism or theft.

**Region DDA Representative**

1. As soon as possible after being notified of the disaster event, provide local officials with an information packet that includes the petition form, and act as a resource for any questions regarding the program.
2. Perform a field review, per [Wis. Stat. 86.34 \(2\)](#). A local government representative should also participate in the review.
3. If the claim is ineligible, either in whole or in part upon review, the local government must be notified in writing.
4. If the claim is eligible, assist local government officials to submit for eligible costs by completing a DDA Region Investigation and Cost Estimate ([DT2069](#)) for each site.
  - ▶ The local must submit any cost records, invoices, etc. used to tabulate final costs.
  - ▶ Claims for costs associated with disaster damage must be submitted within 2 years of the disaster event unless an extension has been granted prior to the deadline.
5. After all eligible costs have been submitted complete DDA Payment Recommendation ([DT2068](#)).
  - ▶ Applicant submits for final costs payable at 75% for all repairs or replacement to standards similar to those previously existing (replacement) plus 50% of the increased cost of the construction to a higher type (improvement).
  - ▶ On claims \$15,000 or less, applicant has the option to accept a cost estimate for repairs. If this occurs, payment is equal to 75% of WisDOT's calculated estimate for replacement and improvement. Applicant calculates estimated replacement and improvement costs, which may include final costs if available. Submit any cost records, invoices, etc. used to calculate cost estimate and inform applicant that no additional funds will be paid on this claim.
  - ▶ On claims submitted for damages caused by any governmental unit applicant receive 70% for repair or replacement to standards similar to those existing immediately before the damage or destruction.
  - ▶ An authorized representative of the local government must sign the DDA Payment Recommendation.
  - ▶ An authorized region representative must also sign the DDA Payment Recommendation.
6. Prepare a cover memo and submit the completed claim to the statewide DDA Program Manager. A claim must include the following:
  - ▶ Cover Memo ([DT 2084](#))
  - ▶ Disaster Damage Aids Petition ([DT2067](#))
  - ▶ Payment Recommendation ([DT2068](#))
  - ▶ Investigation and Cost Estimate ([DT2069](#))
  - ▶ Photos, invoices, records, etc., for each site
  - ▶ Site map

## Statewide Program Manager/Bureau of Highway Maintenance Engineer

1. The statewide DDA Program Manager, in the **Bureau of Transit, Local Roads, Railroads and Harbors (BTLRRH)** receives all completed claims.
  - ▶ Claims are checked for completeness (all required information has been provided, the petition date is within 60 days of the disaster event, forms have proper signatures, etc.).
  - ▶ The claim information is recorded into the DDA database, and a claim number is assigned.
2. Next, an Engineer from the **Bureau of Highway Maintenance (BHM)** reviews the claim for concurrence with WisDOT's region office, makes an assessment of eligibility for each site, signs off on the DDA Payment Recommendation, and returns the claim to the DDA Program Manager.

**Note:** If discrepancies are found, the claim is returned to the region office or a request is made for more information. All or parts of a claim may be denied if declared ineligible.
3. The Program Manager provides the final signature on the DDA Payment Recommendation, which authorizes payment of the claim. Payment recommendations are forwarded to WisDOT's **Bureau of Business Services (BBS)**.
4. BBS processes the payment recommendation and the Wisconsin Department of Administration (DOA) issues the check.
5. The DDA Program Manager forwards the check and copies of the signed payment recommendation to the local government's treasurer. A copy of the letter and the payment recommendation are also sent to the local government's clerk, the county highway commissioner, and the Region DDA Representative.

## Disaster Damage Aids Process

The following flowchart identifies the general procedures utilized for the Disaster Damage Aids (DDA) program. The following is a step-by step description of each procedure:

**Steps 1, 2, and 3:** Once a disaster event has occurred, the local government notifies the WisDOT Region DDA Representative. As soon as possible after WisDOT is notified of the damage, they provide the local government with a packet of information. The *DDA Guidelines and Requirements* are located on WisDOT's web site at:

<https://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/highway/disaster.aspx>.

**Step 4:** The local government submits a petition for disaster damage aids to the Region Office that describes the location, nature, and extent of the damage. This constitutes a formal request for aid.

**Steps 5 and 6:** The Region DDA Representative performs a field review of the damaged sites as necessary within 6 months of the petition filing (date of resolution) pursuant to [Wis. Stat. s. 86.34](#). A local government representative also participates in the review.

**Steps 7 and 8:** The Region DDA Representative makes a determination as to the granting of aid, amount, and conditions under which it is granted, and notifies the local government.

**Step 9:** Local government supplies necessary documentation and submits to Region DDA Representative.

**Step 10:** Region DDA Representative submits completed claim to the statewide DDA Program Manager in BTLRRH.

**Step 11:** DDA Program Manager reviews claim for completeness (all required information has been provided, the petition date is within 60 day of the disaster event, forms have proper signatures, etc.). A claim number is assigned and the claim is forwarded to BHM.

**Steps 12:** BHM Engineer reviews for eligibility and concurrence with the Region DDA Representative's assessment.

**Steps 13:** BHM Engineer concurs and claim is sent back to DDA Program Manager to authorize payment.

**Steps 14, 15, 16, and 17:** BHM Engineer may deny the claim or parts of a claim if damages are determined to be ineligible by WisDOT. If discrepancies are found, the claim is returned to the Region DDA Representative or a request is made for more information. Once all issues are resolved, the claim is sent back to statewide DDA Program Manager to authorize payment.

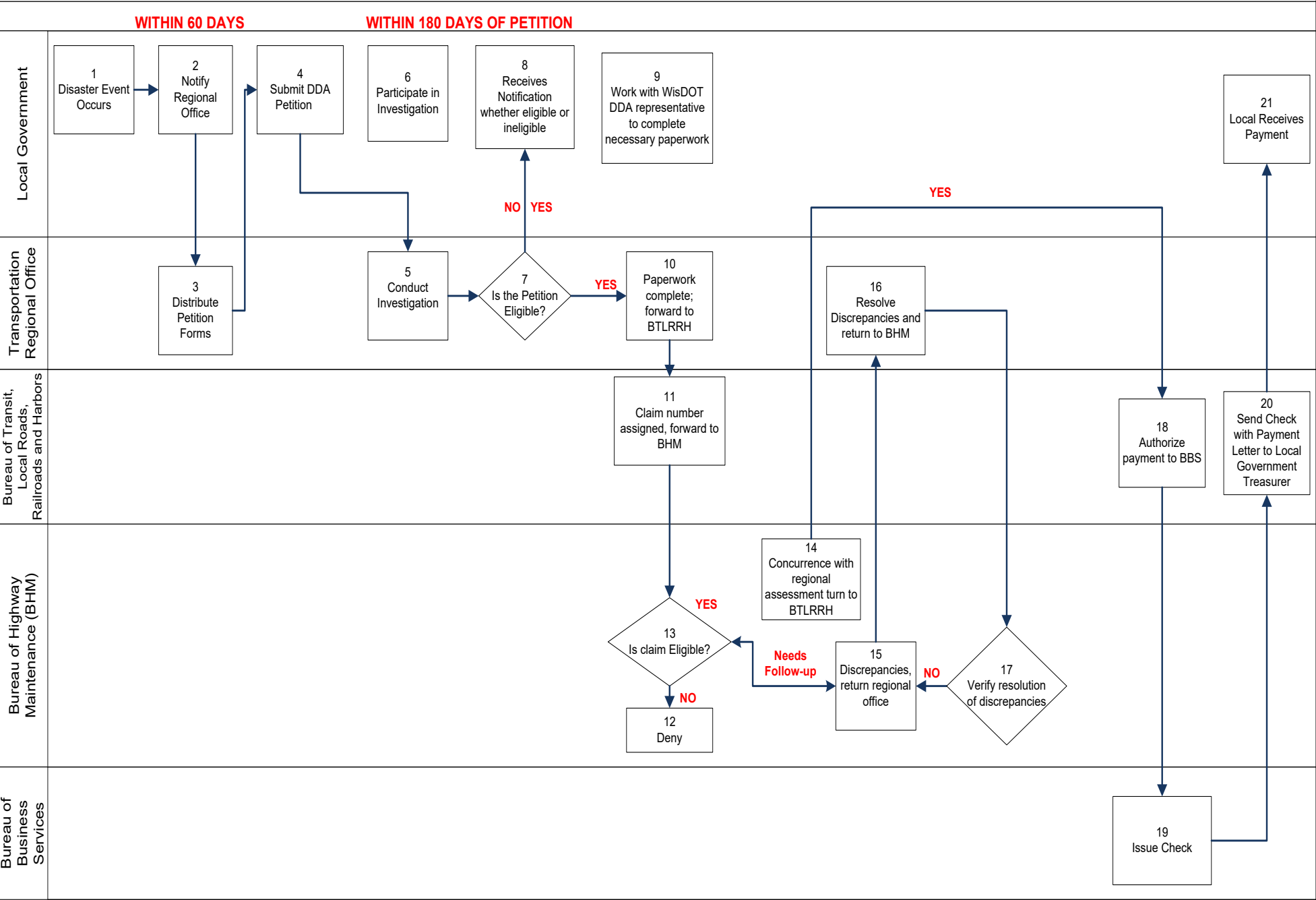
**Steps 18:** DDA Program Manager sends authorization memo requesting payment to BBS. BBS notifies DDA Program Manager when DOA issues payment.

**Step 19 & 20:** DDA Program Manager sends out a letter with the check and copies of the signed payment recommendation to the local government's treasurer. A copy of the letter and the payment recommendation are also sent to the local government's clerk, the county highway commissioner and the Region DDA Representative.

**Step 21:** Local government treasurer receives check.



# Disaster Damage Aid Process



## APPENDIX A

### DISASTER DAMAGE AIDS PETITION

Wisconsin Department of Transportation  
DT2067 9/2013

Office Use Only

Claim No. \_\_\_\_\_

The Local Government must submit this petition within **60 days** of the disaster event to the appropriate Wisconsin Department of Transportation (WisDOT) Regional Office.

#### Section 1

##### **CHOOSE GOVERNING BODY**

The ☐ Town ☐ City ☐ Village of, \_\_\_\_\_ **Or** The ☐ Highway Committee/Commissioner of, \_\_\_\_\_ County,

petitions the Wisconsin Department of Transportation for aid, pursuant to [s.86.34 Wisconsin Statutes](#), for damage to public highways under its jurisdiction resulting from a disaster which occurred on \_\_\_\_\_ (date – m/d/yyyy).

The location, nature, and extent of the damage to such highway(s) as a result of the disaster event is described below and indicated on the attached map.

#### Section 2

Site No.	Location (i.e. Road Name, Section Range)	Nature and Extent of Damage	Estimated Repair Cost
			\$
			\$
			\$
			\$
			\$
Preliminary estimate of the total cost of the damage is			\$

#### Section 3

I certify that the foregoing is a true and correct copy of a petition adopted by the municipality/county identified above at its meeting held on \_\_\_\_\_ (date – m/d/yyyy).

\_\_\_\_\_  
(Authorized Representative – Please Print)

**X**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Mailing Address, City, State and ZIP Code

(Area Code) Telephone Number

Email Address (If available)

# DISASTER DAMAGE AIDS PETITION *(continued)*

Wisconsin Department of Transportation DT2067

## INSTRUCTIONS FOR COMPLETING DISASTER DAMAGE AIDS PETITION

### Section 1 – CHOOSE GOVERNING BODY

Select one of the options for governing body having jurisdiction over the road maintenance.

- For municipalities check ☐ Town ☐ City or ☐ Village and identify your community.

or

- For a county check The ☐ Highway Committee/Commissioner of.

Complete by putting the name of county and date of the damage for the disaster event occurred.

### Section 2 – Site Information

Multiple sites with damage from the same disaster event should be on one petition.

(Note: If you have more than five sites for the same disaster event use a second petition.)

**Site No.:** Assign a number for each site starting with one (1).

**Location:** Identify the location of the damage site by using the name of the road.  
In addition to the name of the road, may be helpful to also identify:

- Township, Range and Section from the plat map (example: T41N, R11W, Sec. 20).
- Nearest intersection.

**Nature and Extent of Damage:** Give a brief description of the Type of Damage done:  
(See Page 2 of DDA Guidelines and Requirements for eligibility). Example descriptions:

- Culvert and roadway washed out, road closed. New culvert needed.
- Culvert damaged, roadway undermined, road closed. New culvert needed.
- Roadway washed out, debris removal, road closed.
- Damage caused to existing highway by governmental unit.

**Estimated Repair Cost:** To the best of your ability, estimate the cost to repair each site.

For preliminary estimate of the total cost of the damage, add up each site's estimated repair costs.

### Section 3 – Signature

**Petition adopted date:** the date of the meeting the governing body adopted the petition.

An authorized representative of the municipality/county signs the petition.

- Please print name, sign and date.

Also complete:

- Mailing address
- Telephone number
- Email address is optional

Attach a map and mark the site location(s). Can use a copy of a plat map or create a map using Wisconsin Information System for Local Roads (WISLR). Also provide at least one photo of the damage for each site.

## APPENDIX B

### WisDOT Disaster Damage Aids Representatives by County

#### Northwest Region Superior Office

1701 North 4th St.  
Superior, WI 54880  
(715) 392-7870

[Alanna Pekuri](#)

Ashland, Barron,  
Bayfield, Burnett,  
Douglas, Polk,  
Rusk, Sawyer,  
Washburn

#### North Central Region Rhineland Office

510 North Hanson Lake Rd.  
Rhineland, WI 54501  
(715) 421-8386

[Kevin Garrigan](#) (Interim)

Forest, Florence, Iron,  
Langlade, Lincoln,  
Marathon, Oneida, Price,  
Vilas

#### North Central Region Wisconsin Rapids Office

1681 Second Ave. South  
Wisconsin Rapids, WI  
(715) 421-8386

[Kevin Garrigan](#)

Adams, Green Lake,  
Marquette, Menominee,  
Shawano, Waupaca,  
Waushara, Wood

#### Northeast Region

944 VanderPerren Way  
Green Bay, WI 54304  
(920) 366-1832

[Matt Haefs](#)

Brown, Calumet, Door,  
Fond du Lac, Kewaunee,  
Manitowoc, Marinette,  
Oconto, Outagamie,  
Sheboygan, Winnebago

#### Southeast Region

141 NW Barstow St.  
PO Box 798  
Waukesha, WI 53188  
(414) 750-3287

[Paul Jacobson](#)

Kenosha, Milwaukee,  
Ozaukee, Racine,  
Walworth, Waukesha,  
Washington

#### Northwest Region Eau Claire Office

718 West Clairemont Ave.  
Eau Claire, WI 54701  
(715) 836-3038

[Paul Gingras](#)

Buffalo, Chippewa, Clark,  
Dunn, Eau Claire, Jackson,  
Pepin, Pierce, St. Croix,  
Taylor, Trempealeau

#### Southwest Region La Crosse Office

3550 Mormon Coulee Rd. La  
Crosse, WI 54601

[Mike Greiner](#) (608) 789-5958  
Sauk, Juneau, Monroe, La Crosse

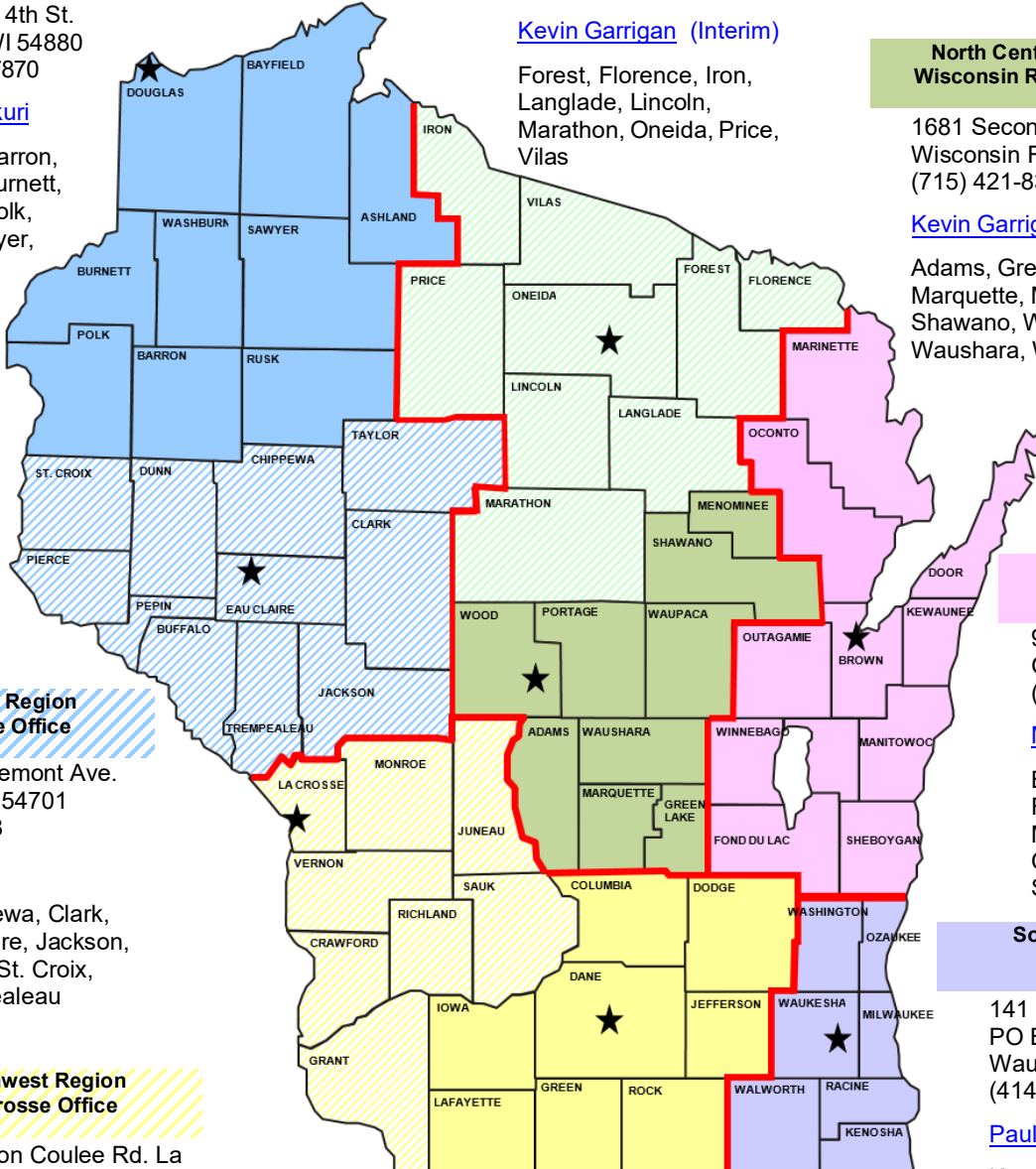
[Jay Adams](#) (608) 785-9027  
Grant, Crawford, Richland Vernon

#### Southwest Region Madison Office

2101 Wright St.  
Madison, WI 53704-2583

[Peter Kaiser](#) (Interim) (608) 245-2650  
Dane, Dodge, Jefferson, Lafayette, Sauk

[Peter Kaiser](#) (608) 245-2650  
Columbia, Green, Iowa, Lafayette, Rock



## APPENDIX C

### HOW TO CALCULATE IMPROVEMENT VERSUS REPLACEMENT

#### Example 1

A 48" diameter culvert washes out closing the road. Instead of replacing it with another 48" culvert, a 60" diameter culvert is installed to minimize future disaster damage. The total cost to install the 60" culvert along with road grading is \$18,000. Assuming a 48" culvert costs \$1,500 and a 60" culvert costs \$2,500, here is how the payment is calculated:

Improvement Cost – The improvement is the incremental cost of the larger sized culvert: \$2,500 (60" culvert) minus \$1,500 (48" culvert) = \$1,000

Replacement Cost – The replacement is: (\$18,000 (total cost) minus \$1,000 (improvement cost) = \$17,000

Replacement cost plus the improvement cost must equal the total cost of the job. In this case, \$17,000 + \$1,000 = \$18,000

Final Costs	Replacement x 75%	$(\$17,000 \times .75)$	\$14,250.00
	Improvement x 50%	$(\$1,000 \times .50)$	\$500.00
	Total		<b>\$14,750.00</b>

#### Example 2

An existing twin box culvert has a 96 sq. ft. drainage opening and the local government wants to improve the structure and put in a 139 sq. ft. drainage opening.

##### Actual Contract Costs

Contract	\$75,161.80	(Roadway = \$16,228; Structure = \$58,933.80)
Engineering	\$11,377.21	
Total cost of Job	\$86,539.01	

First, calculate the percentage of the improvement. Use the new 139 sq. ft. opening minus the old 96 sq. ft. opening = 43 sq. ft. divided by 139 = 30.94%.

**Improvement Cost:** Only the structure was improved, so the roadway cost is considered a replacement.

Contract (Structure only)	$\$58,933.80 \times 0.3094$	\$18,234.12
Engineering	$\$11,377.21 \times (\$58,933.80 \text{ divided by } \$75,161.80 \text{ or } 0.7841) \times 0.3094$	\$2,760.12
	Total	<b>\$20,994.24</b>

**Replacement Cost:** The difference: \$86,539.01 minus \$20,994.24 = \$65,544.77.

Final Costs	Replacement x 75%	$(\$65,544.77 \times .75)$	\$49,158.58
	Improvement x 50%	$(\$20,994.24 \times .50)$	\$10,497.12
	Total		<b>\$59,655.70</b>

## § 86.34 Wis. Stats

**86.34 Disaster damage aids.**

(1g) In this section:

(a) "Catastrophic highway failure" means the sudden failure of a major element or segment of the highway system due to a cause that is external to a highway, but does not include any failure primarily attributable to gradual and progressive deterioration or lack of proper maintenance of a highway.

(b) "Disaster" means any of the following:

1. A severe storm, flood, fire, tornado, mudslide, or other natural event external to a highway or a catastrophic highway failure.

2. An event or recurring damage caused by any governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit and in response to an event described in subd. 1.

(c) "Governmental unit" means the state or any state agency, as defined in s. 20.001 (1); any county, city, village, town, or other political subdivision of the state; or the federal government or any of its agencies.

(d) "Highway" means a highway, as defined in s. 340.01 (22), that is not on the state trunk highway system.

(1m)

(a) When any highway is damaged by a disaster, the county highway committee, or the governing body of the municipality having jurisdiction over the maintenance of the highway, may adopt a petition for aid under this section and file a certified copy of the petition with the department. To be eligible for aid the petition shall be filed not later than 2 months after the occurrence of the disaster damage, except as provided in par. (b). All such petitions shall state the dates on which the disaster damage occurred and as nearly as practical state the location, nature, and extent of the damage.

(b) The department may extend the filing deadline under par. (a) if it appears reasonably likely that federal disaster aid may be forthcoming or when widespread or continuous disaster damage makes an evaluation of damage difficult.

(c) A county or municipality having jurisdiction over the facilities damaged may apply for both state and federal aid for damage to the facilities pending a determination of eligibility. If federal aid is granted for damage to a particular facility, the federal aid shall be in lieu of aid otherwise available for such damage under this section.

(2) The department shall make such investigation as it deems necessary and within 6 months from the date of filing the petition shall make its determination as to the granting of aid, the amount thereof, and the conditions under which it is granted. In making its determination the department shall cause an estimate to be made of the cost of repairing or replacing the facilities damaged or destroyed to standards and efficiency similar to those existing immediately before the damage or destruction, and also an estimate of the cost of reconstructing the facilities to a higher type or improving any such facilities if determined to be warranted and advisable. Except as provided in subs. (2m) and (6), the amount of aid payable for damage caused by a disaster described in sub. (1g)(b) 1. shall be 75 percent of the cost of repair or replacement to standards similar to those existing immediately before the damage or destruction, plus 50% of the increased cost of the reconstruction to a higher type or the improvement of any of the facilities. Except as provided in subs. (2m) and (6), the amount of aid payable for damage caused by a disaster described in sub. (1g)(b) 2. shall be 70

percent of the cost of repair or replacement to standards similar to those existing immediately before the damage or destruction. The department may revise estimates on the basis of additional facts. The county, town, village, or city shall pay the remainder of the cost not allowed as aid, but this shall not invalidate any other provision of the statutes whereby the cost may be shared by the county and the town, village, or city.

(2m) Subject to sub. (6), if the department's estimate under sub. (2) of the cost of repair or improvement of the facilities determined by the department to be eligible for aid is \$15,000 or less, the department shall offer the petitioner an amount of aid equal to 75% of the total amount of the department's estimate for damage caused by a disaster described in sub. (1g)(b) 1. or 70 percent of the total amount of the department's estimate for damage caused by a disaster described in sub. (1g)(b) 2. If the petitioner accepts aid under this subsection, the aid shall be paid to the petitioner or, subject to sub. (5), the county, and no other form of aid is available under this section for the repair or improvement of such facilities.

(3) Aid allotted under sub. (2) shall be held to the credit of the county, town, city or village for not more than 2 years or for such other period as the department may grant, and, except as otherwise provided in this section, shall be paid to the treasurer thereof upon presentation to and approval by the department of certified statements setting forth the cost of the construction, reconstruction, repair or improvement of the facilities determined by the department to be eligible for aid. The certified statement shall set forth separately the amount expended on each such facility. The aid to be paid shall be the summation of the amounts determined or revised under sub. (2), as adjusted by the certified statements approved by the department. This subsection does not apply to aid awarded under sub. (2m).

(5) Any town, city or village may, and at the discretion of the department shall, arrange to have such work for which aid is granted performed by the county, and in such case, on order of the town, city or village, the aid from the state for such work shall be paid to the county.

(6) The department may not pay aid under this section in excess of \$1,000,000, in connection with disaster damage resulting from a single disaster, unless the payment of aid is approved by the governor.

(7) Beginning in the 2nd fiscal year of the 2013-15 fiscal biennium, and in the 2nd fiscal year of each fiscal biennium thereafter, the department shall calculate the amount of aid paid under this section, during the biennium, in excess of \$1,000,000, in connection with disaster damage resulting from a single disaster. The amount calculated under this subsection shall be transferred under s. 20.855 (4) (fr) from the general fund to the transportation fund in the 2nd fiscal year of each fiscal biennium.

**History:** 1971 c. 125 s. 522 (1); 1973 c. 333 s. 201w; 1977 c. 29 ss. 981, 1654 (8) (c); 1979 c. 34 s. 2102 (52) (a); 1979 c. 110 s. 60 (12); 1981 c. 20; 1985 a. 29 s. 3202 (51); 1987 a. 137 s. 6; 1993 a. 16, 437; 2013 a. 20.



# Overview of Emergency Highway Aid Programs in Wisconsin

Revised: 4/23

CATEGORY	EMERGENCY RELIEF (ER)	PUBLIC ASSISTANCE (PA)	DISASTER DAMAGE AIDS (DDA)
(1) Administering Agencies	<ul style="list-style-type: none"> <li>Federal Highway Administration (FHWA)</li> <li>WisDOT, DTSD BHM (admin-lead), Regions (damage assessments, project set-up); DBM BBS (accounting); DTIM BSHP (programming)</li> </ul>	<ul style="list-style-type: none"> <li>Federal Emergency Management Agency (FEMA)</li> <li>Wisconsin Emergency Management (WEM) (admin-lead)</li> <li>WisDOT, DTSD, BHM (admin) and Regions (inspections)</li> </ul>	<ul style="list-style-type: none"> <li>WisDOT, DTIM Bureau of Transit, Local Roads, Railroads and Harbors(admin-lead)</li> <li>WisDOT, DTSD, Regions (inspections, claim processing) and BHM (claim review)</li> </ul>
(2) Coverage	Roadway or roadway structure damage on <b>ALL</b> Federal-aid highways (major collectors and above) resulting from a catastrophic failure or natural disaster. Besides physical damage, ER may include debris removal and emergency protective measures such as traffic control and detour signing.	Damage to any publicly owned or private non-profit facility. This includes damage to parks, schools, buildings, utilities, and roads/structures <b>NOT</b> on the Federal-aid system (minor collectors and below). PA also covers debris removal and emergency protective measures on <b>ALL</b> roads regardless of functional classification. This includes traffic control, detour signing, police/fire protection, pumping and sandbagging.	Damage caused by a disaster event to any highway that is <b>not</b> on the State Trunk Highway System.
(3) Activation & Eligibility	Governor's State of Emergency Declaration required. Presidential Disaster Declaration is not required. Minimum event damages of \$700,000 (Federal share) required to be eligible for ER. FHWA Washington HQ makes final decision on ER eligibility after state division office recommendation.	Presidential Disaster Declaration required for a county to become eligible for PA funds. A Governor's State of Emergency will precede the Presidential Declaration. Joint FEMA/WisDOT team determines eligibility on a site-by-site basis with Local representative concurrence.	A local government authority must submit a DDA petition to the local transportation Region office for damaged roads or structures under its jurisdiction. Region office makes the final decision on eligibility based upon interpretation of statute <a href="#">§86.34</a>
(4) Payment Coverage	<p>Emergency repairs: 100% if done within 180 days of the event, otherwise they are paid on prorated basis. May also include permanent restoration upon prior approval from FHWA.</p> <p>Permanent restoration projects: 90/10 (Interstate) or 80/20 (non-Interstate). Also includes, if necessary, preliminary engineering on those projects.</p>	<p>Grant-share arrangement where:</p> <ul style="list-style-type: none"> <li>FEMA pays 75%</li> <li>WEM pays 12.5%</li> <li>Applicant pays 12.5%</li> </ul>	<ol style="list-style-type: none"> <li>For claims with final costs, applicant receives 75% of replacement costs plus 50% of improvement costs.</li> <li>For claims ≤ \$15,000, applicant may accept payment equal to 75% of WisDOT's estimate for all repairs (replacement and improvement), which may include final costs if available.</li> <li>For claims submitted for damage by any governmental unit in response to the disaster, applicant receives 70% of replacement.</li> <li>If Federal-aid is granted for damage reimbursement, it shall be in lieu of aid otherwise available under DDA.</li> </ol>
(5) Time Limits	<p>Emergency repairs are allowed up to 180 days of the event. After that, the work is considered permanent.</p> <p>Permanent restoration projects must be completed within 2 years of the event.</p> <p>The event duration is determined by FHWA.</p>	Damage <b>MUST</b> have occurred within the incident (disaster) period as specified by FEMA and WEM. The incident period may cover one day or a series of days.	Petitions must be submitted within 60 days, and final costs submitted within 2 years of the disaster event. If federal disaster aid may be forthcoming, the deadline may be extended.
(6) Limitations	Damage must be at least <b>\$5,000</b> per site (Federal share). Heavy maintenance activities (minor shoulder washouts, slides, etc.) are not eligible. Damage must be directly related to disaster. A permanent restoration project needs <b>prior approval</b> from FHWA before commencing unless it is more economical or practical to perform as a related part of emergency repairs.	The costs to repair a damaged site must be at least <b>\$1,000</b> . Reimbursement will be made to repair the facility to its pre-disaster condition. Additional improvements may be allowed under certain circumstances such as hazard mitigation or code requirements.	The road <b>MUST</b> have been closed <b>OR</b> rendered impassable due to the disaster damage or qualify for damages caused by any governmental unit in response to the event. Debris or water over a road does not automatically make a site eligible. Shoulder damage may not be eligible if non-4WD vehicles could still travel safely on the normal driving lanes. Heavy maintenance items (see FHWA column) are not eligible. Reimbursement will be made to repair a road to its pre-event condition. Improvements may also be done to prevent or minimize future damages to a site.
(7) Documentation	<b>PICTURES</b> of the damage are required. Each site should have: Location of, description of, and estimated cost to repair the damage (labor, equipment and materials). Final costs will be verified thru invoices and/or force account work. Permanent restoration projects <b>require</b> prior concept approval from FHWA.	FEMA and WisDOT inspectors prepare a Project Worksheet (PW) based on applicant cost records of the finished work (labor, equipment and materials), contract work, and rental invoices. Any remaining work will be estimated and a partial payment made. Final payment will be made when final costs are completed and submitted to WEM.	<ol style="list-style-type: none"> <li>Petition forms (available from WisDOT)</li> <li><b>Site map</b> and pictures</li> <li>Estimated or final costs for labor, equipment and materials, plus any force account or contractual work for each site.</li> <li>Invoices and/or electronic or hand-written records for applicable costs listed in 3.</li> </ol>
(8) Contacts	<a href="#">Josh Pachniak</a> , FHWA, 715-897-4365 <a href="#">Dan Schultz</a> , WisDOT, 414-227-2150	<a href="#">Eric Learn</a> , WEM, 608-242-3200 <a href="#">Dan Schultz</a> , WisDOT, 414-227-2150	<a href="#">John Moe</a> , WisDOT, 608-267-0404 <a href="#">Dan Schultz</a> , WisDOT, 414-227-2150