



1.0 Introduction of Damage Claims Program

The Wisconsin Department of Transportation (WisDOT) Damage Claims Program purpose is to recover the costs of repairing state highway property, such as guardrails, signs, and bridges, damaged in vehicle crashes or incidents from responsible parties. The statewide program, managed by the WisDOT's Division of Business Management (DBM) - Risk Management Unit, is a partnership between county personnel; Division of Transportation System Development (DTSD) region damage claim coordinators; and DTSD's Bureau of Highway Maintenance (BHM) staff.

Once a claim is established, DBM seeks indemnification from the responsible party, either from the at-fault motorist or from the owner of the vehicle, who is equally liable for damages. When the responsible party has insurance on the vehicle responsible for the damage, DBM works directly with the provider to negotiate a settlement for the cost incurred by the Department to repair those damages.

If the responsible party is uninsured, DBM may pursue the driver and owner of the vehicle directly. If they are unable to pay claim in full, responsible parties are given the option to make monthly installment payments. Other methods of collection may include the use of the Safety Responsibility suspension process administered by WisDOT's Division of Motor Vehicle; a referral to the Wisconsin Department of Revenue; a referral to a collection agency; and/or litigation through referral to the Wisconsin Department of Justice.

DBM Risk Management's general contact information is as follows:

Phone: 800-422-8024

Email: dotdamageclaims@dot.wi.gov

2.0 Damage Claims Submittal Process

Damage to a state highway facility can occur from a vehicle crash or incident. Common damages include guard rail disruption, damaged signs, pavement damage, and the loss of plantings.

State/county/local law enforcement file a crash report (dt4000) for crashes/incidents, which are then posted to the Crash Report Database housed by University of Wisconsin's TOPS Laboratory, in the WisTransPortal System. <https://transportal.cee.wisc.edu/categories/crash-data.html>

- Filed Crash Reports can be obtained through UW TOPS Lab email account or through a county sheriff's department.

Law enforcement identifies damage by using a "Yellow Tag" (dt1692), attaching the tag to damaged item (where possible) and separating the perforated portion of the tag, which is given to a county highway department.

The responsible party for a crash or incident is the owner of the vehicle considered at fault for the crash, which may not be the actual person driving the vehicle but a trucking company or car owner that insured the vehicle.

County Highway Department

There are several ways in which a county highway department will be notified of damage to a state highway. A county highway department may receive a yellow tag (dt1692) from local law enforcement which outlines the location of the damage. A county highway department may also receive a report of the damage from their patrol superintendents identifying a damage, its location, and the extent of the repairs needed to a state highway. Counties may also run a monthly report from the Crash Report Database to identify all damages to state highways as identified on crash reports.

After the county completes the state/interstate highway repair work, and tracks county expenses for labor, equipment, and materials, counties must complete all the following:

- Within one calendar month (30 days) after the highway repair work is completed, as required by state statutes (list State Statute Number), email the WisDOT Region Maintenance unit with the following information:
 - A completed, paper invoice (0077-XX-XX). Damage claims are not currently submitted through MPM. Submit only when all county costs have been collected.
 - Submit completed form dt1785, Property Repair Charges. Fill out all fields in form.
 - A Crash Report (dt4000) for damage related to a crash. These reports are filed through the local law enforcement agency or Wisconsin State Patrol.
 - Any further documents required to describe submission.
- Answer inquiries from the WisDOT region related to the crash, damage to the highway, and repairs done including costs associated with those repairs.

Region Financial Specialist

After receiving a county's damage claim invoice, crash report, dt 1785 form, and any claim documentation, the region financial specialist shall review the county's invoice and crash report, and claim. The financial specialist shall:

- Within ten (10) business days of receiving the claim, verify claim documentation including responsible party name, address, phone and ensure accuracy of submission.
 - Follow up directly with county for missing or incomplete documentation. Require the county to resubmit information within five (5) business days.
- Once all documentation has been received and reviewed, enter the claim information through the Virtel platform into the department's mainframe system (green screens). The submission is a one-time entry. There is no ability to save entries and return to an entry later or reentering the information. See the link for a Job Aid to enter claim (for state employees only): [DBM JobAidSettingUpClaim.pdf.docx \(sharepoint.com\)](#)
- Obtains an assigned claim number, then submits claim number to WisDOT-DBM Risk Management.
- Emails DOT EA the county's invoice and documentation.
- To avoid budget impacts, Regions should run a semi-annual report, what was submitted through DBM and what the counties submitted to DOT. For example, if a county includes a high number of hit and run crashes with no crash reports and responsible parties, the regions should examine whether this is inconsistent with a typical rate of hit and run accidents in the county on state facilities. If an imbalance exists, regions must notify BHM of the discrepancy between county invoicing and amount sent to DBM for processing.
- If costs are not recovered, the available amount for the RMA is lowered.

DBM receives claim information through the mainframe system. There are three possible outcomes of this claim:

- If there is a responsible party noted on mainframe entry, DBM contacts responsible party and insurer to request payment.
- If DBM contacts the responsible party and insurance company and neither will pay for the damages, DBM's Risk Management unit determines next steps.
- If there is NO responsible party noted on the claim, damages are considered a hit and run crash. These costs are not recoverable and are borne by the taxpayer to repair the state facility.