



Shawano County Highway Dept.

Grant Bystol / Commissioner

3035 E. Richmond, Shawano, WI 54166 * 715-526-9182 * Fax 715-524-4162 * www.co.shawano.wi.us

TO: SHAWANO COUNTY TOWNS
FROM: SHAWANO COUNTY HIGHWAY DEPARTMENT
DATE: May 18, 2021
SUBJECT: 2022 BRIDGE/CULVERT AID APPLICATIONS

Please find the 2022 Bridge & Culvert Aid Project Application as well as Wisconsin Statute 82.08 attached which pertains to county aid on town bridge and culvert replacements. Per the statute, the town and county shall each pay one-half of the cost of construction or repair for approved culvert or bridge projects. The culvert/bridge must have a 36-inch or greater span to qualify for this funding. The County Board shall appropriate the sum required by sub. (3) and shall levy a tax therefor. The tax, when collected, shall be held in a separate account administered by the County Highway Commissioner.

As approved by the Shawano County Highway Committee, any approved bridge/culvert project will be completely managed by the Highway Department. Shawano County towns will need to submit their applications for bridge or culvert aid to the Shawano County Highway Department by **August 1, 2021** for the planned construction or repair to be conducted in 2022. Emergency petitions are accepted as reviewed and approved by the County Highway Commissioner. If sufficient funds are not available for the emergency petition, the project will be completed and the county shall reimburse the Town 50% in the following year.

Below is a tentative timeline for the 2021 bridge/culvert aid projects.

1. August 1, 2021 – Applications due to the Highway Department. The project applications shall be reviewed / approved by the Town Board and minutes of the meeting submitted with the request.
2. August 16, 2021 to September 28, 2021 – Highway Department review of project applications. At this time, the Highway Department will initiate the DNR coordination and provide an initial estimate to the town/village.
3. September TBD, 2021 – Highway Committee review and approval/denial of applications
4. November 2021 – Approval of bridge/culvert aid appropriation by County Board.
5. Fall 2021 to Spring 2022 – Highway Department project management which includes permitting, design, scheduling, etc.
6. Spring 2022 – Highway Department to provide final construction estimate and schedule to town. Project to be completed on time & material basis.
7. Spring / summer 2022 – Highway Department to complete the project.

If you have any questions regarding the process or application, please do not hesitate to contact me at the number listed above or at grant.bystol@co.shawano.wi.us

Sincerely,

Grant Bystol

Grant Bystol, Highway Commissioner



Shawano County Highway Dept.

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2022 Bridge & Culvert Aid Project Application

This application must be completed by the Town and submitted by August 1, 2021. Meeting minutes approving the application must be submitted with the application.

Township _____

Town Contact(Name) _____
(provide one point of contact)

Town Contact(Phone # and email) _____

Location of Structure(Road, nearest address, stream crossing, etc.) _____

Existing Structure Size _____

Reason for Repair or Replacement _____

By signing this application, I verify that the Town has sufficient funds for 50% of the project costs.

Signature

Print Name

Title

Menu

82.08 Town bridges or culverts; construction and repair; county aid.

- (1) **PETITIONS.** A town that has voted to construct or repair any bridge or culvert that is on, or that after the construction will be connected to, an existing highway maintained by the town may file a petition for county aid with the county highway commissioner. The petition shall describe the location and size of the bridge or culvert and shall contain a statement that the town has provided the funds required by sub. (3).
- (2) **FUNDING REQUIREMENTS.**
- (a) Except as provided in par. (b), upon receipt of a petition for a bridge or culvert with a 36-inch or greater span, or a structure of equivalent capacity to carry water, the county board shall appropriate the sum required by sub. (3) and shall levy a tax therefor. The tax, when collected, shall be held in a separate account administered by the county highway committee.
- (b) If on January 1, 2003, a county has a policy of providing funding only for bridges and culverts larger than the requirement of par. (a), the county may refuse to fund bridges and culverts that do not meet the minimum requirements of that policy. The minimum size bridge or culvert that a county is required to fund under this section may be raised, but not lowered, by the affirmative vote of a majority of the towns in the county. The county board of any county that has never granted aid under this section may, in its discretion, refuse all petitions under sub. (1).
- (3) **SHARED COST.** The town and county shall each pay one-half of the cost of construction or repair. In determining the cost of construction or repair of any bridge or culvert, the cost of constructing or repairing any approach not exceeding 100 feet in length shall be included.
- (4) **EMERGENCY PETITION.** Whenever the construction or repair of any bridge or culvert must be made without delay, the town board may file its petition with the county clerk and the county highway committee, explaining the necessity for immediate construction or repairs. It shall then be the duty of the town board and the county highway committee to construct or repair the bridge or culvert as soon as practicable. The construction or repair of a bridge or culvert undertaken pursuant to this subsection shall entitle the town to the same county aid that the town would have been entitled to had it filed its petition with the county board as provided in sub. (1).
- (5) **SUPERVISION OVER DESIGN, CONSTRUCTION, AND COST.** The county highway committee and the town board shall have full charge of design, sizing, letting, inspecting, and accepting the construction or repair, but the town board may leave the matter entirely in the hands of the county highway committee. The county highway committee and the town board must agree on the cost of the project and must consult each other during construction.
- (6) **CONSTRUCTION REQUIREMENTS.** No county order may be drawn under sub. (2) for the construction of a bridge or culvert unless the design and construction comply with requirements under s. 84.01 (23).
- (7) **NO TAX.** Except as provided in ss. 61.48 and 84.14 (3), nothing contained in this section shall authorize the levy of a tax upon the property in any city or village that is required to maintain its own bridges.
- (8) **ADMINISTRATION CHARGE.** The county may charge the towns that apply for aid under this section an administration charge. The administration charge shall be fixed as a percentage of the total costs of administering aid under this section and the percentage shall be no more than the percentage that the county charges the state for records and reports.

History: 1977 c. 190; 1981 c. 296; 1983 a. 192 s. 303 (2); 1983 a. 532; 2003 a. 214 ss. 140 to 145, 147, 159; Stats. 2003 s. 82.08; 2013 a. 152.

NOTE: 2003 Wis. Act 214, which affected this section, contains extensive explanatory notes.

The county is obligated to pay its half of the cost of construction or repair of a bridge even if the final cost exceeds the amount the town requested in the petition. An estimate is sufficient in a petition for aid. Costs need not be determined exactly. *Town of Grand Chute v. Outagamie County*, 2004 WI App 35, 269 Wis. 2d 657, 676 N.W.2d 540, 03-1897.

The bridge at issue in this case was not a "bridge on a highway maintainable by the town" under s. 81.38 [now s. 82.08] because the bridge aid petition did not request funding to help connect the bridge to a highway maintainable by the town, there was no existing highway extending to the planned bridge site at the time of the petition, and the bridge was not connected to a highway maintainable by the town upon completion. Section 81.38 requires funding for only those bridges built on highways in existence at the time of a bridge's construction. *Town of Madison v. County of Dane*, 2008 WI 83, 311 Wis. 2d 402, 752 N.W.2d 260, 06-2554.

Although a 2003 act changed the phrase "highway maintainable" to "highway maintained," this amendment did not change the substantive meaning of the statute. *Town of Madison v. County of Dane*, 2008 WI 83, 311 Wis. 2d 402, 752 N.W.2d 260, 06-2554.

NOTE: The above annotations cite to s. 81.38, the predecessor statute to s. 82.08.

Menu

2015-16 Wisconsin Statutes updated through 2017 Wis. Act 367 and all Supreme Court and Controlled Substances Board Orders effective on or before October 1, 2018.
Published and certified under s. 35.18. Changes effective after October 1, 2018 are designated by NOTES. (Published 10-1-18)