
Wisconsin Legislative Council

ACT MEMO



Prepared by: David Moore, Senior Staff Attorney

April 10, 2024

2023 Wisconsin Act 162
[2023 Senate Bill 753]

**Supervision of Local Bridge
Projects**

BACKGROUND

The Department of Transportation (DOT) administers a local bridge program to accelerate the reconstruction or rehabilitation of seriously deteriorating bridges. Under this program, DOT provides funds to local governments for the reconstruction or rehabilitation of eligible bridges. Local governments that receive funds under this program must provide a match equal to at least 20 percent of the project cost. Wisconsin law specifies that the construction of any bridge funded under the local bridge program shall be wholly under the supervision and control of DOT.

Wisconsin law also provides a procedure for 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 to file a petition for county aid with the county highway commissioner. If certain statutory funding requirements are met, the county must pay one-half of the cost of repairing the bridge or culvert. In these cases, state law provides that both 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.

On June 23, 2023, the Attorney General issued an opinion analyzing the interplay between these two funding mechanisms. [[OAG-01-23](#).] In that opinion, the Attorney General concluded that a town may not utilize funding provided under the local bridge program and also petition a county for county aid under the process described above because the statutes provide conflicting requirements for which entity supervises a project. In the case of the local bridge program, DOT must supervise the project; in the case of a project for which a town petitions a county for aid, the project is supervised by the county highway committee and the town board.

2023 WISCONSIN ACT 162

2023 Wisconsin Act 162 permits a town to both receive county aid to construct or repair a bridge and receive funding under the local bridge program. The act provides that in these cases, the project must be under the supervision and control of DOT rather than of the county highway committee and town board.

Effective date: March 23, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

DM:ksm