



FDM 4-10-1 Intrastate Bridges

July 2, 1979

1.1 Definition

Intrastate bridges are defined as those bridges located totally within the boundaries of the state that have been or are to be constructed or reconstructed in accordance with the provisions of Section 84.11 of the Wisconsin Statutes, and maintained and operated by the Department pursuant to Sections 84.15(1) and (2) and 84.10, for those bridges that are or are not on the State Trunk Highway System, respectively.

1.2 Background -Special Bridge Legislation

Prior to 1911, successive territorial and then state legislatures held the authority to grant franchises for the construction of bridges by counties, towns, cities, and villages, and by private corporations. Many bridges were financed through collection of tolls, although some were "free" bridges and were financed through local public subscription. The Legislature of 1911 created the State Highway Commission and enacted the State Aid Highway Law, which provided the Commission with the authority to prepare plans and specifications for all bridges constructed with state and county aid, to give engineering advice regarding bridge work to local officials, and to review and approve (if found satisfactory) the plans for construction or repair of all town bridges for which the town had petitioned the county for financial aid. The Legislature of 1913 extended the authority of the Commission to include special bridges not on state highways. Under the provisions of this statute, if a bridge presented "unusual conditions," any town, village, city, or county could raise funds for the construction of said unusual bridge (across any navigable waterway or meandered stream) and petition the state for financial aid. For bridges greater than 300 feet in length, the town, village, or city was required to provide 40 percent; the county, 40 percent; and the state, the remaining 20 percent of the total cost. Special bridge legislation has evolved into the present statutes: Section 84.11, "Intrastate Bridges," and Section 84.12, "Interstate Bridges."

1.3 Bridge Classes

Section 84.11 separates intrastate bridge projects into two general categories:

1. Bridge projects 300 feet or more in length, not including approaches, located wholly or partially on the State Trunk Highway System, or on a street in a fourth class city (less than 10,000 population) not a portion of the State Trunk Highway System, but selected by the Department as a direct connection between portions of the State Trunk Highway System (i.e., a connecting highway); or the cost of the bridge portion as estimated by the Department in its finding and determination is \$75,000 or more; or there must be provided a movable span to permit navigation.
2. Bridge projects not eligible under 1 above in which the bridge portion necessarily must be 475 feet in length or more, not including approaches.

Proceedings for the construction of intrastate bridges may be initiated by any county, city, village, or town through the filing of a petition with the Department that states that the petitioner desires construction, specifies the approximate location of the bridge, and states that in the opinion of the petitioner the construction is necessary and that the bridge project is eligible for construction under the provisions of Section 84.11. Such petition may be filed by any county, city, village, or town in which a portion of the bridge project will be located, in the case of bridge classes under item 1 above; or it may be filed by any county, city, village, or town required to pay a portion of the construction, in the case of bridge classes under item 2 above. Proceedings may also be initiated by the Department through its motion, which specifies the approximate location of the bridge project, and which states that such construction appears necessary and eligible for construction under the provisions of Section 84.11.

Within 60 days of the receipt of petition from a local unit or adoption of a motion by the Department initiating proceedings in the matter, the Department shall fix a time and place for a hearing, and give notice of such hearing by publication of a Class 2 legal notice (two insertions in each newspaper) in the vicinity of the proposed project. [For specific requirements of notice distribution, refer to Section 84.11(3).] Such hearing may be held in any county, city, village, or town in which any part of the bridge project will be located. Refer to Chapter 6 of this Manual for details on the hearing process.

If the Department finds that upon completion of the hearing the construction is necessary, it shall determine the location for the bridge; and if the project so located is determined to be eligible for construction under the provisions of Section 84.11, the Department shall determine the character and kind of bridge most suitable for

such location, and estimate separately the cost of the bridge portion and the entire project. The Department shall also determine the respective costs to be borne by each county, city, village, or town required to provide any portion thereof as well as the portion to be paid by the state. In this regard, the Department's "Finding, Determination, and Order" is prepared in writing, entered in the "Minutes of the Division Administrator" (of the Division of Highways and Transportation Facilities), and certified copies are provided to the clerks of each county, city, village, or town in which part of the project is located, as well as with the Secretary of State and the State Treasurer. [Attachment 1.1](#) is an example of such a document.

For further information regarding the apportionment of costs, execution and control of the work, etc., refer to Section 84.11 of the Wisconsin Statutes.

LIST OF ATTACHMENTS

[Attachment 1.1](#) The Division of Transportation Before the Highway Commission

FDM 4-10-5 Interstate Bridges

July 2, 1979

5.1 Definition

An interstate bridge is defined as any structure located over any state boundary water that forms a connecting with the public road system of this state and the corresponding system of the adjoining state.

5.2 Scope

Interstate bridges are eligible for construction under the provisions of Section 84.12 of the Wisconsin Statutes. These bridges do not necessarily have to be on the State Trunk Highway System to be eligible for construction or reconstruction, in accordance with Section 84.12.

Proceedings for the construction of interstate bridges may be initiated by any county, city, village, or town through the filing of petition with the Department that states that the petitioner desires construction, specifies the approximate location of the bridge, and states that in the opinion of the petitioner the construction is necessary and is a bridge project eligible under Section 84.12. Such petition may be filed by any county, city, village, or town in which a portion of the bridge project will be located. Proceedings under this section may also initiated by the Department on its own motion, stating the approximate location of the bridge project and that it appears to be necessary and eligible under Section 04.12.

Within 60 days of the receipt of petition from a local unit or adoption of a motion by the Department initiating proceedings in the matter, the Department shall fix a time and place for a hearing. The Department shall give notice and hold the hearing in the manner provided by Section 84.11(3). Refer to Chapter 6 of this Manual for details on the hearing process.

Upon completion of the hearing, if the Department finds that the construction is necessary and that provisions have or will be made by the adjoining state or its subdivisions to bear its or their portions of the cost of the project, the Department, in cooperation with the Transportation Department of the adjoining state, shall determine the location of the bridge, the character and kind of bridge, and other construction most suitable at such location; estimate the cost of the project; and determine the respective portions of costs to be paid by each state and its subdivisions. In this regard the Department's "Finding, Determination, and Order" is prepared in writing, entered in the "Minutes of the Division Administrator" (of the Division of Highways and Transportation Facilities), and certified copies are provided to the clerks of each county, city, village, and town in the

state in which any portion of the bridge project will be located, with the Secretary of State, and the State Treasurer, and with the Transportation Department of the adjoining state. [Attachment 5.1](#) is an example of such a document.

For further information regarding apportionment of costs, execution and control of work, etc., to Section 84.12 of the Wisconsin Statutes.

LIST OF ATTACHMENTS

[Attachment 5.1](#) The Division of Transportation Facilities Finds and Determines