



1.0 General

The procedure included in this policy can be used when an encroachment or an unpermitted use of the highway right of way is identified and the property owner is reluctant to cooperate in its removal in a timely manner, or it is deemed inappropriate for the property owner to safely perform the removal. Descriptions and examples of potential encroachments are provided on the [Wisconsin Department of Transportation Encroachments](#) website and in HMM 07-25-46 Encroachments and Restricted Activities. Not all encroachments or unpermitted use of the highway right of way need to follow this process. The Bureau of Highway Maintenance (BHM) staff shall be consulted to determine if the type of encroachment or unpermitted use of the highway right of way warrants the utilization of this removal policy. Depending on the situation, the region and BHM may need to consult the Office of General Counsel to confirm process steps. Refer to HMM 07 –25-45 Encroachments and Restricted Activities for further guidance.

2.0 Encroachment Removal Project Set-up

In most situations, a county highway department (CHD) working under contract for WisDOT maintenance is assigned to remove an encroachment from a state highway. The guidance in this section should be used by regions to set up a PeopleSoft project to reimburse a CHD for this work. Do not use this section if an encroachment will be removed as part of an improvement project. Below are the steps for an encroachment removal project set-up:

1. Region maintenance staff (engineer or coordinator) shall submit a request to their supervisor to remove an encroachment after coordination with the adjacent property owner to remove it has failed, and there are no further legal challenges.
 - a. Supervisors must approve the request to proceed with encroachment removal.
 - b. Documentation of all interactions with the property owner including meeting dates, all correspondence, and specific issues and removal deadlines must be maintained in a log.
2. Region maintenance staff must review a request to check for conflicts with ongoing or future CHD work and coordinate with CHD for possible dates to perform the work.
3. It is the responsibility of region maintenance staff to contact the region financial specialist to request that a project ID in PeopleSoft be set up for the encroachment removal. The request must include:
 - a. Adjacent property owner name and address
 - b. Tax parcel ID number
 - c. Picture(s) of the encroachment
 - d. Map showing the encroachment location
 - e. Estimated removal cost
 - f. Detailed work description

For example:

Remove the encroachment adjacent to the Aaron Jones property at W5104 State Hwy 56, Viroqua, WI, Vernon County tax parcel ID #1234-56-78-90-01-00. The work consists of removing loose timbers, gravel, and other debris between the

Quantities are not needed. Law enforcement hours should be included in the estimate if the agency requires law enforcement support and reimbursement for costs.

4. Region financial specialists will need to contact BHM to update the *Miscellaneous* category on the *Manage Funding* screen of the Discretionary Maintenance Agreement (DMA) module using the estimated removal cost. Doing so allocates funds for the project in the Maintenance Program Management (MPM) system. Routine Maintenance Agreement (RMA) budget is not used for this work.
5. A DMA contract is required for a CHD to perform the encroachment removal work. Region financial specialists may use the standard DMA contract template in MPM to insert the project information (provided by region

maintenance staff in step 3) to complete the contract. Activity Code 092 within *Miscellaneous* is to be used in MPM.

6. Region financial specialists will need to set up a new project ID in PeopleSoft using the allocated funds to create a DMA contract in MPM.
 - a. The project ID is 00CN-Y6-3X, where:
 - ▶ CN is the two digit county number
 - ▶ Y is the last digit of the current **calendar** year
 - ▶ X is the lowest number starting with 0 if it has not been used

Example: The first Vernon County project in 2027 would have the ID of 0062-76-30. The next removal in the same county would use 31, then 32, etc. to 39. A CHD charges to this ID using activity code 092 when doing the work.
 - b. Upon request by the region financial specialist, region maintenance staff will perform quality control. The project description information (blue box above) must be in the DMA's "Agreement Text" section.
 - c. Region maintenance supervisors are listed as the project manager and will automatically receive notification from the MPM system once the DMA project has been set up to obtain his or her approval.
 - d. CHDs must sign the DMA contract in MPM.
 - e. BHM State Maintenance Engineer must approve the DMA contract.
7. Region financial specialist will need to inform region maintenance staff when the CHD is authorized to complete the work.
8. Region maintenance staff and CHD shall schedule the encroachment removal date and coordinate with law enforcement if requiring the Division of State Patrol assistance is required. Counties should coordinate with county sheriff department where needed.
9. As CHDs perform the work, a *Statement of Expenditure* (a/k/a: invoice¹) will need to be submitted for the encroachment removal costs and included it in the primary monthly invoice submitted to WisDOT. Any salvageable materials, e.g., a pipe culvert, shall be temporarily stored at the CHD shop.
10. Region financial specialists shall extract the DMA encroachment removal invoice from the primary invoice for region maintenance staff to approve. Once approved, region financial specialist will be required to document the approval in MPM with a note.
 - a. MPM automatically notifies region maintenance supervisor to approve the invoice after regional maintenance staff and financial specialist complete their MPM tasks.
 - b. Upon region maintenance supervisor's invoice approval, CHDs will be issued payment for the removal work.
11. Using the CHD DMA invoice, region maintenance staff will need to complete form DT1668 *Sales to Others*. ([Example](#)) Additional details on what to include on the form:
 - a. **Date:** Date that the request is sent to the Financial Operation Section (FOS).
 - b. **Description of Material:** Entries must begin with the following: "Removal of state highway encroachment..." See [4.1](#).
 - c. **Customer ID and Customer Location:** Intentionally left blank (generated by FOS).
 - d. **Budget Ref:** Correct **fiscal** year must be used (may differ from **calendar** year). This year is when the expense occurred, not when payment was requested.
 - e. **Department:** Use the PeopleSoft org code that relates to the project manager, i.e., either the region maintenance engineer or coordinator. The region financial specialist must insert this number into MPM when developing the DMA contract. To obtain this information, the region financial specialist may be contacted. (The number should be the same as the one listed on the DTSD org chart above the supervisor's role and name.)

¹ The CHD invoice organizes work costs by labor, fringe benefits, equipment (including small tools), materials, and administration.

- f. **Project ID:** The same project ID number created in step 6a with a leading 395 and no dashes should be inserted in this field, e.g. 39500CNY63X or 39500627630.

12. DT1668 **and** a copy of the CHD DMA invoice shall be emailed to Division of Business Management (DBM) - Financial Operations Section (FOS) at dotdbmfiscalservices@dot.wi.gov whereby a PeopleSoft invoice is generated. FOS is responsible for sending the PeopleSoft invoice to the region maintenance person who initiated the request. **Note:** In the email to FOS, region maintenance staff must request that FOS send the PeopleSoft invoice back to the region – otherwise the customer may get billed directly before step 13.

Wisconsin Department of Transportation
Financial Operations Section – Cashier
PO Box 7366
Madison, WI 53707-7366

13. Region maintenance staff will need to send a cover letter, copy of the PeopleSoft invoice, and a copy of the CHD DMA invoice, to the property owner via express mail, UPS, or FedEx.² The property owner has 30 days to submit payment to WisDOT. If the owner fails to pay within 30 days, PeopleSoft will automatically generate a reminder invoice for days 31-60, and for days 61-90 if necessary. After 90 days, step 14 is implemented.
14. If the property owner refuses to pay the invoice, WisDOT will follow the Accounts Receivable process for collections stated in the Wisconsin Accounting Manual Section 07, Subsection 01. If the costs are not recovered, WisDOT absorbs them under DTSD's budget authority. In addition, the CHD may also use any salvaged materials at its discretion.
15. If the invoice is paid, the property owner is instructed (on the PeopleSoft invoice) to remit the check to:

FOS will then need to credit the payment as a refund of expenditures under Routine Maintenance Program Fund 368.

The region financial specialist will also need to notify region maintenance staff that the invoice has been paid. Region maintenance staff will be responsible for informing the owner where and when to pick up any salvaged materials at the CHD shop.

2.1 Removal Reports

In the DESCRIPTION OF MATERIAL section on the *Sales to Others* form, all entries must start with "Removal of state highway encroachment..." This allows removal projects to be queried, and reports generated by FOS regarding payments made, total expenditures, etc. If a region office wants a report, contact a maintenance engineer within the permits unit of the Highway Maintenance and Roadside Management section within BHM who will make the request to the DBM FOS Section Chief.

3.0 Repeat Offenders

Region maintenance staff should take the necessary steps to prevent property owners from habitually encroaching onto state highway ROW especially when it becomes a public nuisance or adversely affects the safety, maintenance, or operation of the state highway. This may occur when property owners:

- Are issued several removal orders but the encroachment keeps reoccurring
- Use the ROW on a daily basis to sell items as an extension of their business
- Construct a permanent building or object in the ROW after being informed where the ROW line is

To address repeat offenses by the same property owner, staff must first inform their maintenance supervisor. The supervisor should involve upper management as needed especially if the situation becomes contentious, or staff are threatened in any way. Upper management should also determine if legal assistance is required, and if yes, the region project attorney is contacted. Together, the region should determine the best course of action to permanently eliminate the encroachment. WisDOT Bureau of Highway Maintenance sections shall be contacted for guidance regarding vegetation management concerns or other non-authorized work on right of way issues resulting recurring offenses.

² The process of using express mail, UPS or FedEx eliminates issues WisDOT has had in the past with property owners not signing for certified mail, and it also gets the invoice to the property owner in a timely manner. However, the department must ensure to retain a receipt of the delivery, as well as maintain the interaction in a contact log (step 1.b. of this section).

Options for handling repeat offenders include, but are not limited to:

- Writing an official “cease and desist” letter with the help of the attorney and/or determining if further legal action needs to be taken
- Installing a temporary barrier on state highway ROW such as a wood or plastic snow fence
- Installing a permanent barrier on state highway ROW such as a chain link or woven wire fence or guardrail (or similar functioning barrier)
- Selling an area of ROW that the encroachment occupies to the abutting owner

WisDOT cannot install barriers, whether temporary or permanent, if they would block the only highway access to the property or if the barriers themselves would create a hazard in the ROW.

Example Form DT1668 Sales to Others

**SALE TO OTHERS INVOICE**
 Wisconsin Department of Transportation
 DT1668 02/2024

Please email completed form to DOTDBMFiscalServices@dot.wi.gov and include any necessary attachments for supporting documentation of the charges.

Invoice Number (Financial Operations Section (FOS) Completes)	Date (m/d/yy)

DESCRIPTION OF MATERIAL	QUANTITY	UNIT PRICE	AMOUNT
Removal of STH encroachment at W5104 State Hwy 56 (Jones)	1 LS	2,345.670	2,345.67
			0.00
			0.00
			0.00
			0.00
			0.00
			0.00
			0.00
			0.00
TOTAL AMOUNT			\$2,345.67

SEND INVOICE TO		SIGNATURE REQUIRED	
Name, Organization, Address, City, State, ZIP Code Aaron Jones W5104 State Hwy 56 Viroqua, WI 54665		Signature (Brush Script font, if computer filled) <i>Patrick Smith</i>	
Email Address: Homeowner email (if known)		Bureau/Region/Service Center Southwest Region – La Crosse	
Customer ID (10 digits)	Customer Location (3 digits)	(Area Code) Telephone Number (608) 555-1234	

- Refer to Valid Projects and STAR Account Code (MyDOT/Finance/Accounting/Chart of Accounts) for the Chartfield information required in table.
- Funds should be credited to the same Project ID where expenses occurred.

Budget Ref (e.g. FY2024)	Fund (5 digits)	Appropriation (5 digits)	Department (10 digits)	Account (7 digits)	Project ID (11 digits)	Activity (e.g. LABOR-DLVY-OTHR)	Source Type	Total Cost
FY2027	21100	96100	1021231100	8700139	39500627630	LABOR-DLVY-OTHR	OTHER	\$2,345.67

BSA Code 39500-21100-900SE-3959901000-1499000	G/L JE Number	G/L Approval
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Handling Encroachment Process Flowchart

