



## FDM 9-10-1 Public Contacts

December 11, 2014

Survey crews are extremely visible parts of the department's public relations effort. They are usually the first representatives of the department to work on the site of a proposed improvement and the impressions they create are extremely vital to the department's reputation. Therefore, survey crews should work in a professional and courteous manner with due regard for private property rights and the rights of the traveling public.

Public contacts related to surveying activities are part of the overall communication plan for a project. Refer to [FDM 2-20-5.10](#) - Communication Management (and other references in FDM 2-20) for a discussion of communication from a project management perspective.

### 1.1 Informational Letter

To further good public relations and to provide for public involvement, an informational letter may be prepared and distributed. The letter should serve to introduce the survey crew chief; explain the purpose and extent of the survey; and give the name, address, and telephone number of the design/survey supervisor in charge.

[Attachment 1.1](#) provides an example of a typical informational letter.

### 1.2 Notification of Local Officials

Notify local officials (town, county, and municipal) before making the initial public contacts and provide them with a copy of the informational letter. It is important to keep local officials informed because they receive many questions regarding work being conducted within their jurisdictions. Also a local official such as a town chairperson or county highway commissioner may persuade an otherwise reluctant property owner to allow entry to department survey crews.

### 1.3 Property Owner Contacts

Before beginning survey operations, contact the property owners and inform them of activities to occur on their property. Establish the location of underground facilities and property markers. Investigate the possible existence of unrecorded agreements, such as use of private property as a public hunting ground, that could lead to a Section 4(f) involvement. Each region is encouraged to develop an interview checklist.

At the time of these initial contacts, leave a copy of the informational letter with all parties contacted and mail the letter to those parties not contacted. The survey crew chief will usually make these contacts. However, in some circumstances, it may be advantageous to have the design group leader and/or others accompany the crew chief or make the initial contacts.

### 1.4 Published Notices and Press Releases

At times the use of published notices, radio announcements, and press releases are desirable. These vehicles provide rapid communication with the public, informing people beyond the project boundary of the survey crews' presence. They also furnish an added measure of security, especially where surveys are in high-volume traffic situations. When this type of public notice is useful, the region Design Survey Supervisor should initiate the necessary actions outlined in [FDM 6-1-10](#), [Attachment 1.2](#), [Attachment 1.3](#), and [Attachment 1.4](#) provide examples of typical published notices and press releases.

### 1.5 Public Contacts

During conversations, property owners often express their opinions, complaints and specific requests. Although it is not the crew chief's purpose to act as an intermediary between property owners and design staff, they often find themselves in this position. Always encourage the property owner to communicate with the design staff.

#### 1.5.1 Diary

The survey crew chief should maintain a diary of all public contacts. This record should contain the date, name of the person contacted, and any relevant comments, complaints, and requests. The survey crew chief should keep the design staff informed of significant conversations. Upon completion of the survey, the Public Contacts Diary should be mentioned in and relevant documents added to the design project file.

#### Best Practice

Survey crews should be provided with business cards containing the name, address and phone number of the project manager for whom the crew is doing the surveying. These should be given to owners or users

encountered during surveying operations.

## **LIST OF ATTACHMENTS**

<a href="#">Attachment 1.1</a>	Example of a Typical Informational Letter
<a href="#">Attachment 1.2</a>	News Release - Highway Engineering Survey to Begin
<a href="#">Attachment 1.3</a>	News Release - WisDOT Survey Work to Begin on STH 1
<a href="#">Attachment 1.4</a>	News Release - Right-of-Way Staking to Begin on STH 1

## **FDM 9-10-5 Entry and Operations on Private Land**

*December 13, 2006*

### **5.1 Entry on Private Land**

Department policy for entry on private land is based on s. 84.01(10) stats. The department does not have to ask for permission, but shall notify the owner/occupant<sup>1</sup> that entry will occur, when it will occur, and why it will occur. It may be necessary to contact more than one person (e.g., owner of the land, renter, occupant, caretaker, and neighbor) to adequately provide information of the proposed project to everyone concerned or affected by the project.

Department personnel, or the department's representative, should contact the owner/occupant before beginning surveying operations.<sup>1</sup> If it becomes necessary to reenter private land after a prolonged absence, then the owner/occupant should be contacted again before reentering the private land.

Direct specific questions regarding entry to the section chief in the Surveying & Mapping Section. If the question requires legal advice, the section chief will contact the Office of General Counsel.

### **5.2 Right of Entry Process**

Although the statutes allow the right of entry on private land, the exercise of this right may require a Special Inspection Warrant when an owner/occupant steadfastly refuses entry. Neither the department nor the department's representative may "breach the peace" when entering private land.

Follow the procedure below to enter on private land for surveying operations.

1. Determine if notification of the owner/occupant is necessary. Notification is always required in the following situations:
  - When land is clearly posted "No Trespassing."
  - When intending to operate any type of a motorized vehicle or equipment on private land.
  - When entering an enclosed or cultivated area.
  - When work performed is destructive. Driving survey monuments, sampling soil, brushing, trimming tree branches, and even just walking through some types of crops are examples of work considered destructive.
  - When walking around the entire parcel of privately owned land (e.g., for a hazardous material evaluation).
  - When walking close to the buildings (e.g., for historical or archeological assessment).
  - When entry on private land is to be by more than a few feet. When only walking on private land is required and the walking is near the edge of the private land, good judgment should be used to determine whether prior contact is necessary to avoid a trespass encounter.
  - When the owner/occupant, or even a neighbor, is visually present on or next to the area of surveying operations.
2. Contact the owner/occupant and inform them of the proposed project. The best person to contact the owner/occupant is normally the project manager who has the most knowledge of the project and will be able to respond best to further inquiries. Information will normally be provided to the owner/occupant in the following sequence.
  - 2.1. Notify the owner/occupant in a personal way. A visit is best; a telephone call is next best. Leaving a message on the owner/occupant's answering machine to call the project manager does not satisfy the requirement of notifying the owner/occupant. A letter with return receipt may be the best method for contacting an owner/occupant who cannot be reached by visit or

<sup>1</sup> See [FDM 9-80-1](#), Glossary, for definitions of the terms "owner/occupant" and "surveying operations."

telephone call. Contacting numerous owner/occupants may be done more efficiently with an informational letter to each owner/occupant, a newspaper notice, or a press release; followed with a visit or telephone call. If a newspaper is used, have the text and format reviewed by the region public information office or the Office of Public Affairs before submitting the notice or press release to the newspaper.

- 2.2. Notify the owner/occupant that surveying operations will occur. Do not request either oral or written permission to enter on private land to complete the necessary surveying operations.
  - 2.3. Explain to the owner/occupant the need for the surveying operations in conjunction with the proposed transportation improvement project.
  - 2.4. Inform the owner/occupant of the type of surveying operations the department will be performing on the private land (e.g., determining terrain elevations, locating property corners, investigating hazardous materials sites, soil boring).
  - 2.5. Inform the owner/occupant of the kind of equipment that will be used for the surveying operations.
  - 2.6. Inform the owner/occupant when the department has scheduled the surveying operations.
  - 2.7. If requested and reasonable, schedule the surveying operations to accommodate the owner/occupant.
  - 2.8. Answer all questions. Even those without an immediate answer should be answered as soon as the answer is available.
3. Attempt to perform the surveying operations at the scheduled time. If entry is denied, politely explain to the owner/occupant the department's statutory authority to enter private land by citing Wisconsin Statute s. 84.01(10). If the owner/occupant still denies entry, withdraw from the scene and inform the project manager.
  4. Discuss with the project manager and the project development supervisor any alternate methods of collecting the needed data. For example, aerial photogrammetry could provide required topographic information originally planned to be acquired by ground surveys.
  5. If there are no reasonable alternatives, the project development supervisor should notify appropriate region management personnel of the need to ask the sheriff's department for assistance in explaining the statutes. Region management should contact the sheriff's department. Usually a visit to the owner/occupant by the sheriff's department, confirming the department's authority, will suffice to secure entry. The sheriff's department may refuse to proceed without a Special Inspection Warrant.
  6. Before beginning the expensive and time-consuming process to obtain a Special Inspection Warrant, consider modifications to the surveying operations. Only after all attempts to gain entry have failed and no alternative surveying operations can be used to acquire the needed data should region management seek a Special Inspection Warrant.
  7. Region management should ask the Region Director to start the process for obtaining a Special Inspection Warrant.
  8. The Region Director should ask the Division of Transportation Systems Development Administrator for assistance. The Administrator should contact the Office of General Counsel with the request for the Special Inspection Warrant. In order to prepare such a request, the project manager and/or project development supervisor should provide the Region Director with the following information:
    - Legal description of the land to be entered. Use either the metes and bounds method, the block and lot system, or the U.S. Public Land Survey System (township, range, section, and quarter-section).
    - Complete name and address of the owner/occupant.
    - Local unit of government (city, village, or town).
    - Type of survey proposed and the statute requiring the survey (e.g., archeological, appraisal, topographic, hazardous material, historical).
    - A description or copy of reports of the previous attempts of entry by the department, an authorized agent of the department, and/or the sheriff's department.

From this information, the Office of General Counsel will produce an Affidavit in Support of Special Inspection Warrant. The employee who was denied access must personally swear out this affidavit at the courthouse of the county in which the land is located. A judge will review this affidavit and issue a Special Inspection Warrant

ordering the local sheriff's department to assist the department in gaining access.

### 5.3 Entry on Indian Land

Entry on Indian land is not permitted without first having obtained specific permission (see [FDM 5-5-10](#)).

### 5.4 Entry on Public Land

Entry on state park, national park, local park, national forest, wilderness area, and other public land shall be coordinated with the authority in charge (see [Chapter 5](#)). Survey crews shall obey the rules and regulations established by these authorities.

### 5.5 Entry on Utility Right-of-Way

Entry on utility right-of-way shall be treated as a special case of private land and should be coordinated with the utility. Be specific in coordinating with the utility to determine if others also need to be contacted. The utility may own the land for their facility, may have complete authority for access to the land even though the utility does not own the land, or may have only an easement and right of entry for their own operations. Surveying operations should be coordinated with the utility to avoid interfering with utility operations.

### 5.6 Entry on Railroad Right-of-Way

Entry on railroad right-of-way shall be treated as a special case of private land. See [FDM 9-10-6](#), Surveys or Inspections on Railroad Right-of-Way.

### 5.7 Operations on Private Land

Surveying operations on private land shall be conducted in a way that causes the least disruption possible to the land and use of the land by the owner/occupant. If, during operations on private land, damage occurs or it becomes evident that continued operations may result in damage, notify the project manager and consult [FDM 9-10-10](#). Survey crews shall not clear trees or crops, cut fences, or cause other damage to private land to facilitate surveys unless written arrangements have been made before damage is incurred.

Private land shall be restored, as near as possible, to its original condition. Temporary stakes, photo control targets, and underground utility marker flags shall be removed. Reference all survey monuments that are to remain upon completion of the survey to allow recovery. Bury monuments below plow depth in areas where cultivation is possible, or place them in fence lines to avoid creating a hazard or causing damage/injury to the owner/occupant's equipment or animals. Upon completion of excavation, the area should be restored by filling holes, leveling mounds of soil, removing debris and stones, and performing other tasks as necessary to return the area to as near as possible to its original condition.

### 5.8 Operations on Public Land

Surveying operations on public land shall be conducted in a way that causes the least disruption possible to the land and use of the land by the public. Restoration of public land should be coordinated with the authority in charge. Land used for parks, forests, trails, airports, road right-of-way, and other public uses shall be restored, as near as possible, to the original condition upon completion of surveying operations. Restoration should include, but is not limited to

- Removing stakes, targets, and flags
- Filling holes and ruts
- Leveling mounds of soil
- Removing debris and stones

This is particularly important where the public land has been improved and/or maintained by the adjacent landowner/occupant (e.g., where the highway right-of-way has been mowed and appears as a part of the landowner/occupant's lawn).

## FDM 9-10-6 Surveys or Inspections on Railroad Right-of-Way

February 7, 2003

### 6.1 Right of Entry

Department policy for entry onto railroad right-of-way to make surveys or inspections (including land owned, leased, or used by a railroad) is authorized by Wisconsin Statute 84.01(10).

*RIGHT OF ENTRY. The department or its authorized representatives may enter private lands to make surveys or inspections.*

The department shall not ask permission to enter railroad right-of-way.

Direct specific questions regarding entry to the section chief in the Surveying & Mapping Section, Bureau of Highway Operations, or Railroad Engineering & Safety Section, Bureau of Railroads & Harbors. If the question requires legal advice, the section chief will contact the Office of General Counsel.

## 6.2 Entry Process

Although the statutes allow the right of entry on railroad right-of-way, the exercise of this right requires cooperation with the railroad to avoid conflict with railroad operations and still complete the required surveys or inspections in a timely and safe manner. Neither the department nor the department's representative may:

- Cause interruption of railroad operations without previous arrangements with the railroad.
- Forego reasonable railroad safety procedures.
- "Breach the peace" when entering railroad right-of-way.

Follow the steps below to enter onto railroad right-of-way for surveys or inspections.

1. Determine if notification to the railroad should be made. Notification should be made in the following situations:
  - When intending to operate or park any type of motorized vehicle or equipment within 25 feet of a track centerline.
  - When intending to perform prolonged surveys or inspections within 4 feet of the nearest rail; e.g., running levels along the track to multiple bench marks. Normally it is not necessary to notify the railroad for activities such as walking directly across the track(s) or right-of-way, crossing the track with a vehicle or equipment at an established crossing, or accessing a survey monument on foot near a public crossing or near public land.
  - When the surveys or inspections may be construed by an approaching train as people or equipment on the track.
  - When the surveys or inspections on railroad property will disturb the site. Placing survey monuments, sampling soil, brushing, and trimming tree branches are examples that will disturb the site.
  - When prudent for safety.
2. If notification is to be made, contact the railroad company that maintains the track and inform them of the proposed surveys or inspections. (The railroad maintaining the track may be different from the railroad operating trains on that track or the railroad owning the right-of-way.)
  - Notify the railroad of the proposed surveys or inspections in a personal way. A visit or telephone call to the local railroad representative followed with a letter or e-mail describing the proposed surveys or inspections may be the most effective. In some situations, it may be better to send the letter or e-mail first and then talk with the local railroad representative. A sample letter is shown in [Attachment 6.1](#).
  - Do not ask, either verbally or in writing, for permission to enter on the railroad right-of-way to complete the surveys or inspections.
  - Explain to the railroad the need for the surveys or inspections in conjunction with the proposed transportation improvement project.
  - Inform the railroad of the type of surveys or inspections the department will be performing on railroad right-of-way (e.g., determining terrain elevations, locating property corners, evaluating a hazardous material site, soil borings).
  - Inform the railroad of the kind of equipment that will be used for the surveys or inspections.
  - Inform the railroad, usually by phone or e-mail, of the date(s) and time the department has scheduled surveys or inspections.
  - If requested and reasonable, schedule the surveys or inspections to accommodate the railroad.
  - Answer all reasonable questions. Questions without an immediate answer should be answered as soon as the answer is available.

When it has been determined the railroad should be notified of the proposed surveys or inspections, department personnel, or the department's representative, should notify the railroad before beginning the surveys or inspections. If it becomes necessary to reenter the right-of-way after a prolonged absence, then the railroad should be notified again prior to reentering the railroad right-of-way.

3. Attempt to perform the surveys or inspections at the scheduled time. If entry is questioned or denied by railroad field personnel:
  - Identify yourself as a representative of the department.

- Politely explain to the railroad's representative that the department has advised the railroad of its intent to enter railroad right-of-way for surveys or inspections.
- Show a copy of the letter that was written to the railroad.
- Advise the railroad's representative of the department's statutory authority to enter railroad right-of-way by citing Wisconsin Statute 84.01(10).

If the railroad's representative still denies entry, withdraw from the scene and inform the project manager.

4. Discuss with the project manager and the project development supervisor any reasonable alternative method for collecting the needed data. For example, aerial imagery could provide required topographic information originally planned to be acquired by ground surveys.
5. If there are no reasonable alternatives, the project development supervisor should notify the section chief of the Surveying & Mapping Section or Railroad Engineering & Safety Section for assistance. The section chief will then work with the Office of General Counsel to contact appropriate railroad management.
6. If the railroad is totally unwilling to grant and specifically denies entry on railroad right-of-way, and entry on the right-of-way is essential to complete the surveys or inspections, then the process to obtain a Special Inspection Warrant as described in [FDM 9-10-5](#) shall be followed. Only after all attempts to gain entry have failed and no reasonable alternative to the onsite surveys or inspections can be used to acquire the needed data should a Special Inspection Warrant be requested.

### 6.3 Working on Railroad Right-of-Way

**PLAN LONG LEAD TIMES** Even the time-of-day of entry may need to be coordinated with the railroad to avoid interfering with their operations. This may be particularly important in yards and terminals.

**CONDUCT JOB SITE SAFETY BRIEFING** Before entering on railroad right-of-way, conduct a job site safety briefing; this requirement applies to both WisDOT and consultants. Refer to the department's "Safety Guide for Working on Railroad Right-of-Way" available from the Safety & Health Section, Bureau of Management Services, Division of Business Management.

Surveys or inspections on railroad right-of-way shall be carefully planned to provide for the safety of both railroad operations and personnel performing the surveys or inspections on railroad right-of-way. Personnel shall not wear red clothing or a red cap on railroad right-of-way; however, either an orange or lime green reflective vest is acceptable. Personnel working on railroad right-of-way should expect a train on any track, at any time, in either direction! Surveys or inspections shall be planned so that when a train is approaching personnel can promptly and safely move away from the track to the edge of the right-of-way, or farther, and remain there until the train has passed. Surveys or inspections shall be planned so motorized equipment will cross tracks only at established crossings.

If motorized equipment is to be operated, driven, or parked within 25 feet (7.7 m) of the centerline of an operated railroad track (including driving a vehicle along and within 25 feet (7.7 m) of the track to access the area of operation), contact the railroad at least 10 working days<sup>2</sup> before beginning the surveys or inspections so appropriate arrangements can be made for a railroad flagger when warranted. The department will pay necessary and reasonable costs for such services. Payment shall be coordinated with the project manager or the section chief of the Surveying & Mapping Section.

WisDOT personnel shall not sign right of entry permits, liability releases, or any document provided by the railroad; nor should they acquire insurance for such entry. Requests from the railroad for a signature on any document shall be forwarded to the Office of General Counsel via the section chief of the Surveying & Mapping Section or Railroad Engineering & Safety Section.

Consultants and contractors performing surveys or inspections for the department are not to sign right of entry permits or liability releases, nor pay fees for entry on railroad right-of-way. In some situations, the type of work to be performed and the potential risk to railroad facilities or operations may require the purchase of Railroad Protective Liability insurance in the name of the railroad. Review questionable situations with the section chief of the Railroad Engineering & Safety Section before purchasing insurance.

Buried facilities such as signal wires and fiber-optic lines frequently exist on railroad right-of-way. Railroad facilities are usually not associated with one-call notification systems (e.g., Diggers Hotline). If subsurface

<sup>2</sup> Some railroads may require more than 10 days. If the railroad wishes to issue a written Right of Entry, more time may be needed to obtain reviews and approvals. Preliminary or advance contact with the railroad should be made as soon as the project is defined and a need to enter railroad right-of-way has been determined.



surveys or inspections are to be performed, make arrangements a minimum of 30 days before the scheduled surveys or inspections to locate underground facilities with:

- The railroad company.
- The landowner if not the railroad company.
- Each underground facility owner.
- Diggers Hotline.

Contact all of the listed entities to locate underground facilities because often each entity does not know of other's buried facilities or does not report what they know about facilities of others.

Surveys or inspections on railroad right-of-way shall be conducted in a way that causes the least disruption possible to railroad operations, to the land, and to use of the land by the railroad and neighboring public. Flags or surveying targets should not be placed in the vicinity of a track if the flag or target might be construed as a signal to the crew of an approaching train. The right-of-way shall be restored, as near as possible, to the original condition upon completion of the surveys or inspections. Restoration should include removing stakes, targets, and flags; filling holes and ruts; leveling mounds of soil; and removing debris and stones. This is particularly important where the right-of-way has been improved or maintained by the adjacent owner/occupant (e.g., where right-of-way has been mowed and appears as a part of a nearby resident's lawn).

## **LIST OF ATTACHMENTS**

[Attachment 6.1](#)            Sample Letter to Occupy Railroad Right-of-Way

## **FDM 9-10-10 Property Damage Settlement Agreement**

*December 13, 2006*

This procedure identifies:

- A department-wide standard method to obtain and process minor damage claims against the department (e.g., damage to fences, crops, trees, etc.) resulting from surveying operations.<sup>3</sup>
- The steps necessary to prepare and execute a Property Damage Settlement Agreement with an owner/occupant.

### **10.1 Damage Responsibility**

The WisDOT field representative is responsible for initiating the Property Damage Settlement Agreement process for damage that he/she anticipates, observes, or discovers. Initiating the process may be by reporting the damage to a more senior person or by commencing implementation of the standard reporting method outlined in this procedure. If the discovered damage is a result of surveying operations not under his/her direction, his/her supervisor should be notified promptly. The notified supervisor and the supervisor of the damage-causing surveying operations should act jointly to assign a WisDOT field representative to continue the process. The WisDOT field representative may assign portions of completing the Property Damage Settlement Agreement process to others.

### **10.2 Recognizing Damage**

Department employees should always try to avoid or at least minimize damage to private property. Whether damage occurs unexpectedly (e.g., getting stuck and rutting a field) or is anticipated (e.g., knocking down cornstalks when driving to a sample site), a Property Damage Settlement Agreement form should be completed promptly. When damage is anticipated, a visit to the owner/occupant should be made prior to the work occurring to explain the process of completing the Property Damage Settlement Agreement. A cost per unit of damage may be discussed during this visit.

### **10.3 Damage Agreement**

A Property Damage Settlement Agreement should be negotiated by a supervisory-level employee or his/her designee. Usually the WisDOT field representative is designated to be the contact with the owner/occupant and serve as the negotiator. A Property Damage Settlement Agreement must be completed when damage has occurred during any surveying operations (including a consultant or contractor under the field direction of a department employee). Damage caused by a consultant or contractor due to their operations—including damage caused as a result of poor judgment, negligence, or carelessness of the consultant or contractor—shall be the responsibility of the consultant or contractor (e.g., the contractor ruts a field outside of the designated construction area).

<sup>3</sup> See [FDM 9-80-1](#), Glossary, for definitions of the terms "surveying operations," "owner/occupant," and "WisDOT field representative."

## 10.4 Agreement Steps

The following steps should be taken when damage is anticipated or occurs.

1. Send a letter (see [Attachment 10.1](#)) to the owner/occupant a few weeks prior to the anticipated date of entry onto private land notifying the owner/occupant that department employees need to enter the land for surveying operations (see [FDM 9-10-5](#)). Normally this letter will be addressed to the landowner. In some cases, it may be necessary to send a letter to the landowner and to the caretaker of the land.
2. Send a letter to the owner/occupant of personal property that may be impacted by the surveying operations, if the owner/occupant of the personal property is different from the owner/occupant of the land. For example, when surveying operations may cause damage to personal property on public land such as to private crops on public land at an airport.  
The letters of steps 1 and 2 should be sent AFTER a WisDOT field representative—or designee—has made initial contact(s) with the owner/occupant or the informational letter (see [FDM 9-10-1](#), Public Contacts) has been sent to explain the proposed transportation improvement project which will be on or adjacent to their land. The letters of steps 1 and 2 should explain an effort will be made to avoid damage and include the name of a department employee to be contacted if the owner/occupant feels damage has occurred.  
Just as it may be necessary to send more than one letter in steps 1 and 2, it may be necessary to complete more than one Property Damage Settlement Agreement. For example, driving through a field may damage the crop (compensation to the farmer farming the land) and rut the field (compensation to the landowner).
3. Notify the owner/occupant in person that department employees need to enter the land for surveying operations. Explain the proposed surveying operations. In certain circumstances, step 3 may occur prior to steps 1 and 2.
4. Inspect the proposed work area for existing damage. Take photographs of the work area, the area to be used for transit to and from the work area, and the area adjacent to the work area that may unintentionally be used by department employees unaware of the work area limits. Inform the owner/occupant of any existing damage.
5. Identify the type of property damage likely to occur. Determine if the damage could be minimized by cooperation with the owner/occupant. For example, could the department reschedule surveying operations to occur prior to planting or after harvesting, or could the owner/occupant harvest part of a field early? If damage appears to be unavoidable, inform the owner/occupant that after the work is completed, a WisDOT field representative will meet with the owner/occupant to evaluate the damage.
6. Coordinate the work on the private land, taking care to minimize damage.
7. Inspect the work area for damage and take photographs at the conclusion of the work. If the work extends over weeks, and damage has occurred, discuss the damage with the owner/occupant promptly rather than when all of the work has been completed. If damage has occurred, go to step 10; if not, go to step 8.
8. Inform the owner/occupant, the work has been completed.
9. Inform the owner/occupant there is no apparent damage. Also, inform the owner/occupant to promptly contact him/her, or a department office, if damage is discovered later. (Disregard steps 10 and 11 if no damage has occurred.)
10. Contact the owner/occupant. Together with the owner/occupant, complete the Property Damage Settlement Agreement, [DT1737](#). See [Attachment 10.2](#) for a sample. The form may be completed online and printed, downloaded to a Word document and completed off line, or printed blank and completed by hand. Hints for completing the form are:
  - The location where damage occurred may be by address, by legal description, or by distance and direction from the house of the owner/occupant if the house address is stated on the form.
  - The name of the owner/occupant of the damaged property must be entered. If the damaged property is owned jointly, the names of all owners/occupants should be entered on the form. The owner/occupant of the damaged property may or may not be the same as the owner/occupant of the land.
  - The damage payment check will be remitted to the mailing address of owner/occupant.
  - If the owner/occupant of the damaged property is a corporation (business), the Federal Employer Identification Number (FEIN) should be listed. If the owner/occupant is an individual,



the social security number (SSN) should be listed. Either the FEIN or SSN is needed for payment processing. If the property is owned jointly by more than one individual (but not a corporation), enter only one SSN. If the owner/occupant adamantly refuses to provide his/her SSN, attach a note to the form stating the refusal. If the space for the SSN is left blank and no note is provided, the form will probably be returned to the WisDOT field representative to add the SSN.

- Identify the surveying operation causing the damage and the date damage occurred. The damage needs to be clearly identified to prevent confusion with other damage that may have occurred, or may occur, in the same area during other surveying operations or at another time.
  - List the damaged property. Clearly identify the damaged property item by item. Both the owner/occupant and the department need to understand exactly what property is being compensated for with the payment. If the unit value is not known, it shall be determined and another meeting with the owner/occupant will be needed. The County Agent and the Region Real Estate Unit may be a source of yield and price for crops. Internet sites <http://www.nass.usda.gov/wi/> and <http://www.grainline.com/> also have yield, unit price, and/or the Loan Deficiency Payment rate. The quantity and unit value are not required if a reasonable total payment amount is suggested by the owner/occupant.
  - The release must be signed and dated by the owner(s)/occupant(s) before the claim for payment can be submitted. The dollar value written in the release portion of the form must be the same amount as the dollar value written in the total box summing the item value column. Even if the owner/occupant agrees (or suggests) the dollar value of the damage is zero, when damage has occurred a Property Damage Settlement Agreement should be completed and signed by the owner(s)/occupant(s). If the damaged property is owned jointly, each of the owners/occupants must sign and date the form. If the damaged property is owned by a corporation, the person signing for the corporation should include his/her title.
  - A WisDOT field representative must sign and date the form, indicating that the listed damage has occurred and is correctly listed.
  - A WisDOT employee authorized to obligate funds (usually this will be a supervisory-level employee) must sign and date the form to approve payment authorization. The WisDOT field representative and the WisDOT employee authorizing funds shall be different people.
  - The Transportation District and the location of the district office (e.g., 2, Waukesha) should be added at the bottom of the form.
  - Add the Project ID information. The project ID should be the same project ID being used for the project development or project construction activity. A real estate project ID shall not be used.
  - If a district has a specific procedure for tracking payments, forward the completed Property Damage Settlement Agreement form to the appropriate person (e.g., a financial specialist) within the district office. That person should then forward the form in accordance with step 11.
11. Promptly forward the completed Property Damage Settlement Agreement form for payment processing to the Expenditure Accounting Unit, Bureau of Business Services, Hill Farms State Transportation Building, Madison.

**LIST OF ATTACHMENTS**

- [Attachment 10.1](#)      Sample Letter to Owner
- [Attachment 10.2](#)      Survey Damage Agreement, Form DT1737