



## 2013 ASSEMBLY BILL 421

October 15, 2013 – Introduced by Representatives BARNES, WRIGHT, JOHNSON, WACHS, POPE, JORGENSEN, OHNSTAD, SHANKLAND, GOYKE, GENRICH and KAHL, cosponsored by Senators HARRIS, T. CULLEN and HANSEN. Referred to Committee on Transportation.

1     **AN ACT** *to amend* 86.34 (1g) (a); and *to create* 86.34 (1g) (a) 2. of the statutes;  
2             **relating to:** eligibility for disaster damage aids paid by the Department of  
3             Transportation.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, if a highway that is not on the state trunk highway system (highway) is damaged by a disaster, the county or municipality having jurisdiction over the highway may petition the Department of Transportation (DOT) for payment of disaster damage aid. A “disaster” is defined as any of the following: 1) a severe storm, flood, fire, tornado, mudslide, or other natural event external to a highway; 2) the sudden failure of a major element or segment of the highway system due to a cause that is external to a highway (catastrophic highway failure), but not including any failure primarily attributable to gradual and progressive deterioration or lack of proper maintenance of a highway; or 3) an event or recurring damage caused by any governmental unit or person acting under the direction or approval of, or permit issued by, any governmental unit and in response to an event described in item 1) or 2), above. Upon receipt of a petition, DOT must make an investigation and determine whether to grant aid, the amount of the aid as determined under specified criteria, and the conditions under which aid is granted.

Under this bill, any deterioration or other condition of a bridge on a highway that, if not repaired or rectified, may lead to failure of the bridge in the foreseeable future is catastrophic highway failure eligible for disaster damage aid.

