



**Fiscal Estimate Narratives**  
**DOT 6/16/2005**

LRB Number <b>05-2134/1</b>	Introduction Number <b>SB-223</b>	Estimate Type <b>Original</b>
<b>Subject</b> City of West Allis claim #2		

**Assumptions Used in Arriving at Fiscal Estimate**

DOT staffs involved in this issue recognize that the costs are legitimate. The error occurred while the previous LPA Coordinator was having medical problems and subsequently took medical retirement. Many discussions were held with the District Director, the Deputy District Director, FHWA, Real Estate and Planning on how to make the reimbursement

At the time, the only options available to reimburse the City of West Allis included:

- 1) Petition FHWA in Washington DC, which was rejected; or
- 2) Submit a claim to the State Claims Board.

Option 2 was pursued. DOT staff assisted the City in filling out the claims and attended the State Claims Board hearing along with the City. The Claims Board found in the City's favor, but anything over \$5,000 (please note that the limit may have changed since that time) had to be paid by the State legislature passing a bill to make payment.

Section 20.395(cq), stats., appropriates SEG funding for improvements of existing state trunk and connecting highways. The appropriation does not provide funding for local road projects, such as the two West Allis projects described in Senate Bills 222 and 223. However, if the Bills passed they would supersede the current statutory language and would allow us to use state highway rehabilitation funds [20.395(3)(cq) - State funds] to pay these specific claims, but no others unless they were also specifically signed into law.

Potentially a more appropriate source of funds is the local program (local road and local bridge SEG appropriations), however, because there are no state funds available in the local road program, all funds would have to be paid out of the local bridge program (not a viable option).

**Long-Range Fiscal Implications**

none