1.0 Permit Required

A utility shall obtain a permit from WisDOT before any use or occupancy of state trunk highway (STH) right-of-way (R/W) is allowed. This includes utilities wanting to occupy an existing pole line or duct system (for example, communications attaching to an electric company's existing poles). Exceptions to this are enumerated in 3.1, 3.2 and 3.3. A utility may also need a permit from the DNR. See 1.3.

1.1 Emergency Work

Emergency situations may arise when immediate action to protect public safety requires utility operations within a state trunk highway that are not in full compliance with the provisions of the *Utility Accommodation Policy (UAP)*. Nothing in the *UAP* shall be construed as requiring a utility to delay such emergency repair.

Emergency repairs may be performed within STH R/W when physical conditions or time considerations prevent application for the usual permit. However, as soon as practical, the utility shall advise the appropriate WisDOT region office of the emergency, its plans or actions for alleviating the unsafe situation(s), and arrangements made for the control and protection of traffic or pedestrians affected by its proposed operations. When the *UAP* requires a permit for such work, a utility shall obtain a permit as soon as possible and make any alterations that WisDOT deems necessary through the permit approval process.

1.2 Permit Authorization to Use and/or Occupy Highway Right-of-Way

By issuance of a permit, WisDOT formally indicates that, subject to all applicable permit conditions, a specified use and/or occupancy of STH R/W is not adverse to highway interests at the time of permit approval.

WisDOT does not warrant that public title to the R/W is free and clear, does not certify that it has sole ownership, and does not indicate any intention to defend the utility in its peaceful use and occupancy of said lands.

The permit does not transfer any land, nor give, grant or convey any land right, right in land, or easement.

Written authorization from WisDOT does not relieve a utility from compliance with all applicable federal and state laws and codes, and local laws and ordinances that affect the design, construction, materials or performance of its work. WisDOT's authorization shall not be construed as superseding any other governmental agency's more restrictive requirements. However, if the utility is directly under contract with WisDOT, and WisDOT chooses to supersede local ordinances or permitting requirements, then the utility shall be exempt from a governing agency's ordinances or permits under WisDOT's statutory authority.

A utility should retain a copy of the permit in its files during the entire time the facility is located on, over or under STH R/W.

All utility permits issued by WisDOT are revocable. HMM 09-15-10 highlights the steps that WisDOT may use in order to revoke a permit.

1.3 Environmental Permit Coordination through the Department of Natural Resources (DNR)

Projects that involve trenching or plowing a utility line through a waterway require a Wis. Stat. Chapter 30 permit from DNR. In order to avoid any Ch. 30 permitting, utility lines may be directionally bored under waterways. If boring a waterway is not feasible and a utility needs to be plowed or trenched across the waterway, application materials can be obtained from the DNR. See link #3 in Table 1. Most public waterways can be found on the 24k hydrology maps.

Projects that involve placing fill in a wetland require a Wis. Stat. 281.36 wetland permit from DNR. Fill may include a pedestal, pole or backfilling a trench. In order to avoid wetland permitting, utility lines may be directionally bored under wetlands or vibratory plowed through wetlands. Wisconsin Wetland Inventory (WWI) maps are a useful tool to determine known wetlands, but are not a comprehensive map of all wetlands. In addition, a utility should review Unites States Department of Agriculture (USDA) web soil survey and look for mapped hydric soils, or utilize the 'wetland indicators' tab on the Surface Water Data Viewer (SWDV) web tool.

Projects that involve one acre or more of land disturbance require a utility to submit a Notice of Intent (NOI) erosion control permit under Wis. Adm. Code NR 216. See link #3 in Table 1.

If DNR makes a permit decision or jurisdictional determination for a project, it is also required to ensure that the project does not impact threatened or endangered species, or known archaeological or historical sites. However, protection of state-listed threatened or endangered species under Wis. Stat. 29.604 is applicable to your project regardless of whether other DNR permits or determinations are involved.

In order to determine whether or not a project requires a waterway or wetland permit, submit a detailed narrative describing the work to be completed, including the location for the entire project, how the line will be installed, and the type of equipment to be used to the DNR Bureau of Energy, Transportation and Environmental Analysis (DNR BETEA) representative. Additionally, submit maps showing the entire project, overlaid on an aerial photograph, including the waterways, the WWI and “wetland indicators,” as well as the locations for any bore pits, pedestals, vaults or handholes.

The DNR BETEA will use the information you prepare and submit to assist in making a jurisdictional determination for your project. If you have any questions or need more information, contact the DNR BETEA at (608) 266-3524.

Table 1 – Environmental Information Website Links by Topic

1. DNR Utility Permitting (Bureau of Energy, Transportation and Environmental Analysis)
   http://dnr.wi.gov/topic/sectors/utilitypermitting.html
2. Water Permit Information
   http://dnr.wi.gov/permits/water/
3. Construction Site Stormwater Permit Applications
   http://dnr.wi.gov/topic/stormwater/construction/
4. Surface Water Data Viewer (Wetland/Waterway Maps)
   http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland
5. USDA Web Soil Survey
   http://websoilsurvey.nrcs.usda.gov/app/
6. Endangered-Threatened Species
   http://dnr.wi.gov/topic/endangeredresources/laws.html
7. Archaeological-Historical Info
   http://www.wisconsinhistory.org/Content

1.4 Environmental Permit Coordination under the DNR/DOT Cooperative Agreement

Activities that affect waters of the state and that are carried out under the direction and supervision of WisDOT in connection with a transportation project are exempt from certain DNR environmental permit requirements, if the activities are conducted through the DNR/DOT Cooperative Agreement (Wis. Stat. 30.2022). In accordance with the Agreement, there **may** be times when it is advantageous for WisDOT to include a utility’s environmental requirements with its own environmental review using the Liaison Process. WisDOT will make that decision during the utility coordination stage of the project. Use Table 2 as a guide to determine which agency to contact when environmental permits are needed whether working on STH R/W and/or privately-owned lands.

Table 2 – Environmental Permit Coordination for Utility Work

Guidelines for Utility Companies under the DNR/DOT Cooperative Agreement

Lead Agency:
- **BETEA = DNR, Bureau of Energy, Transportation and Environmental Analysis**
- **DOT = Utility Permit Coordinator, DNR/DOT Liaison, Project Manager, etc.**

Types of environmental permits include: ⇨ Wetland or waterway crossings[1] (Ch 30 & 281.36) ⇨ Land disturbance ≥ 1 Acre[2] (NR 216) ⇨ Threatened and Endangered Species (Ch 29)		Action Item:	
		Transportation Project "Directed & Supervised" by WisDOT	Utility's Own Project
Utility work is located:	Entirely on private land	**BETEA**	**BETEA**
	Entirely on DOT R/W	**DOT**[3]	**BETEA**[4,5]
	Both on private land & DOT R/W	**BETEA** and/or **DOT**[3]	**BETEA**[4,5]

Key to numbered comments:

1. Includes all construction methods such as trenching and plowing. Bore pits in close proximity to a wetland or waterway may also be included.
2. If land disturbance is less than one acre, a NR 216 permit is not required. Land disturbance includes equipment tracking and any excavation needed for construction.
3. **DOT** decides if the proposed utility work can be reviewed using the Liaison Process. If yes, **DOT** will coordinate with **BETEA** and inform the utility. **DOT** may require a utility to obtain environmental permits from **BETEA** for work in multiple counties, on large or complex improvement projects with work on and off WisDOT R/W, or in environmentally sensitive areas. If WisDOT assumes responsibility for a utility's environmental requirements through the Liaison Process, then DNR permits are not required.
4. If DNR permits are needed, include a copy along with utility permit application. If DNR permits are not needed, submit evidence of **BETEA** coordination/decision instead.
5. A utility must coordinate with **BETEA** unless its project does not impact any environmental resources and is not considered a "major" project with regards to Trans 401.

General comments:

A. WisDOT does not have statutory authority to issue utility permits on private lands.

B. All utility work on WisDOT R/W requires a permit from WisDOT with two exceptions: (1) Utility work that is considered a maintenance item in 3.1, 3.2 and 3.3 and (2) Utility work that is a pay (bid) item in a WisDOT transportation project. This means that it is under a WisDOT contract, which serves in lieu of a typical utility permit. It does not include a utility's own project or utility facility relocations before or during a WisDOT transportation project. Contracts do not include utility reimbursement agreements.

C. Utilities may contact the **BETEA** at 608/266-3524 or http://dnr.wi.gov/topic/sectors/utilitypermitting.html

D. All utility work on WisDOT R/W must comply with Wis. Adm. Code Trans 401 if a DNR permit is not issued. See HMM 09-15-55 for details on Trans 401 implementation for WisDOT-issued utility permits.

E. DNR may enforce environmental control requirements on WisDOT R/W even if WisDOT issues utility permits and is responsible for enforcing permit and *Utility Accommodation Policy* requirements. This may include temporarily suspending a job and/or levying a fine.

1.5 Native American Nation or Tribal Information

If any part of a utility's proposed work is located within the reservation boundaries of a Native American Nation or Tribe that has a federally designated Tribal Historic Preservation Officer (THPO), then the utility should contact the Tribe and/or THPO to determine what permits or other coordination may be needed.

- Tribal Government Contacts: http://witribes.wi.gov/section.asp?linkid=284&locid=57
- THPO Contacts: http://www.wisconsinhistory.org/Content

2.0 Required Permit Information

A utility's request to use and occupy the R/W cannot be considered until adequate information is provided regarding its proposed work. The amount of detail will vary with the complexity of the installation and the highway involved, but must include the appropriate permit form, drawings or sketches, and installation information so the effect on highway operations, traffic safety and visual qualities can be evaluated.

2.1 Permit Limits

Include the limits (project endpoints) of all proposed work in the permit application. If the utility facility extends into more than one county, submit a separate permit application for each county. The permit authorizes only the described work of and for the applicant indicated on the permit. The permit does not grant authority for the present or future installation of any other facility.

2.2 Permit Application Form & Instructions

Use WisDOT's single-page, double-sided, permit application form dt1553 that is available from any region office or online: http://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx. The form was redesigned in December 2010 using Microsoft Word 2007. A Word 97-03 version was also created dt1553.doc. Instructions are available to explain each question and information required on the permit application form. Both the dt1553i.docx and dt1553i.doc include a copy of form. The indemnification language on the back page must be included with each permit application submitted. Altering the form is prohibited by the applicant and shall be just cause for application rejection or permit revocation.

Submit one original**, with an authorized signature,** plus up to four copies[1] of the permit application form to the appropriate region office (HMM 09-15-70, 2.0). The application may also be sent via regular mail, courier service or in person. Copies may be reproduced from the original. The permit form, engineering drawings and other documentation may also be sent by e-mail attachment or file transfer protocol (FTP) site, which is preferable and more likely to provide the fastest processing. Submission of the materials by fax is prohibited.

If a utility has an expedited service connection permit, location drawings for the service may be submitted by fax or e-mail (preferred) at least three working days prior to starting the work. See HMM 09-15-20 for details.

2.3 Permit Drawings

Each permit application shall contain adequate drawings showing the proposed location of the utility facility within the R/W with respect to the existing highway, any proposed highway improvement, and any existing utility facilities. The details shall include dimensions from the proposed utility installation to the commonly accepted R/W line and edge of the traveled way.

For highway crossings, provide cross-section details showing depth of bury or overhead clearance along with bore pit locations if needed. A distance reference from the crossing to the nearest public road intersection is also required. Submit land tie information (for example, approximate distance from the proposed facility to side road intersection(s), county line, section corner, etc.) with all permit drawings. Use plat maps to document location information since they are extremely useful for WisDOT in processing permit applications.

Do not submit drawings that have a proprietary disclosure language like the example shown in Figure 1. WisDOT permits are subject to the State's Open Records Law. Therefore, WisDOT cannot safeguard the information contained within them. Utilities are advised not to put proprietary or confidential information in a permit.

PROPRIETARY INFORMATION NOT FOR DISCLOSURE.
These plans contain proprietary or confidential information, and the recipient must not disclose, copy, recreate or distribute the plans or information contained therein, either directly or indirectly, to other entities or individuals, without written or express permission from *utility name*."

Figure 1: Proprietary Disclosure Language

2.4 Installation Information

The utility shall provide the following installation information that shall include, but is not limited to:

1. A general description of the location, size, type, nature, and extent of the utility facilities to be installed or to be adjusted, and the impact on the utility's existing facilities to remain in place within the R/W. This includes operating voltages for transmission lines, fiber counts, gas line pressures, etc.

2. A description of proposed construction procedures, special traffic control and protection measures, erosion control measures, proposed access points, coordination of activities with the highway contractor, and trees/vegetation to be removed and replaced.

3. For structure attachments, the bridge number, weight of lines, hanger spacing, hanger details, and expansion/contraction details. See HMM 09-15-30 for additional structure attachment requirements.

[1] Consult the Region office for the number of copies desired with each paper application.

2.5 Application Modification

WisDOT reserves the right to modify a utility's permit application as needed to protect highway interests. The modifications may be more restrictive than what was originally proposed. The permit, as approved, shall embody the conditions to which the utility shall comply in order to use or occupy the R/W.

3.0 Maintenance Items Exempt from an Additional Permit

Certain maintenance and other types of utility activities are considered minor in nature, and shall be allowed to be performed without an **additional** permit. However, should any of these selected activities be performed on facilities located on freeway R/W or require a Lane Closure System notification (HMM 09-15-60, 4.0), a permit shall first be obtained from WisDOT.

3.1 Communication Utilities

No additional permit is required for:

1. Repair or replacement of overhead service wire
2. Repair or replacement of overhead cable and terminal hardware, two spans or less
3. Replace pole, same location, maximum of 10 poles per 5-mile section

   Note: Once a new pole is installed, transfer all attached facilities (electric, telephone, CATV, etc.) to the new pole in a timely manner. Completely remove the old pole in accordance with HMM 09-15-45, 5.1.
4. Locate buried cable
5. Stake route for proposed buried cable
6. Connect and test wiring at buried cable pedestal locations
7. Crossarm, bracket, and hardware repair/replacement
8. Add anchor, guy, or brace between pole and R/W line or no closer to traveled way than pole
9. Trench pole to maintain or increase roadside clearance
10. Repair or replacement of overhead conductor, two spans or less
11. Line patrolling
12. Inspection of manholes (includes water removal, cable tagging, and minor modifications, etc.)
13. Electrolysis surveys
14. Test for location of underground lines
15. Paint poles, towers, or crossarms
16. Straighten pole, crossarm, or brace
17. Test or treat existing pole
18. Remove debris from overhead line
19. Repair or add grounds
20. Re-sag, reattach, or rearrange conductor
21. Repair cable bonding
22. Survey lines
23. Replace pole tags and signs
24. Reinforce existing pole
25. Mark location of proposed pole; proposed cable
26. Grass cutting or snow plowing
27. Trim trees or remove brush for existing line
28. Minor line repair (splice, etc.)
29. Sign and marker installation/replacement
30. Replace/remove line in existing duct
31. Raise, lower or temporarily disconnect existing overhead lines to avoid interference with an oversize load

3.2 Electric Utilities

No additional permit is required for:

1. Switching
2. Fuse replacement
3. Transformer replacement
4. Crossarm, bracket, and hardware repair/replacement
5. Add anchor, guy, or brace between pole and R/W line or no closer to traveled way than pole
6. Trench pole to maintain or increase roadside clearance
7. Replace pole, same location, maximum of 10 poles per 5-mile section

   Note: Once a new pole is installed, transfer all attached facilities (electric, telephone, CATV, etc.) to the new pole in a timely manner. Completely remove the old pole in accordance with HMM 09-15-45, 5.1.
8. Repair or replacement of overhead conductor, two spans or less
9. Line patrolling
10. Manhole inspection (includes water removal, cable tagging, minor modifications, etc.)
11. Electrolysis surveys
12. Test for gas
13. Test for location of underground lines
14. Paint poles, towers, or crossarms
15. Straighten pole, crossarm, or brace
16. Test or treat existing pole
17. Clean insulators
18. Remove debris from overhead line
19. Repair or add grounds
20. Re-sag, reattach, or rearrange conductor
21. Sample or test insulating oil
22. Repair cable bonding
23. Install or remove transformer or regulator
24. Survey lines
25. Replace outdoor light bulbs and cleaning glass
26. Repair or replace outdoor lighting control
27. Reset time clock or control switch
28. Replace pole tags or signs
29. Reinforce existing pole
30. Mark location of proposed pole; proposed cable
31. Grass cutting or snow plowing
32. Trim trees or remove brush for existing line
33. Sign and marker installation/replacement
34. Minor line repair (splice, etc.)
35. Replace/remove line in existing duct
36. Repair or replace overhead service
37. Reading service meters. *Note: Access from freeway shoulder allowed during non-peak rush hours only.*
38. Raise, lower or temporarily disconnect existing overhead lines to avoid interference with an oversize load

3.3 Fluid and Gas Utilities

No additional permit is required for:

1. Leak surveys (vehicle/walk patrol), line patrolling
2. Pressure surveys (gauge check or chart setting)
3. Odorant checks
4. Regulator maintenance (change out, lockup check, spring change, etc.)
5. Valve maintenance (activation check, grease, replacement, etc.)
6. Line purging
7. Exposed line survey and maintenance (on bridges, exposed valve assembly, etc.)
8. Line locates and facility marking
9. Up rating pressure of main (monitoring)
10. Abandonment of main, services, etc.
11. Pit (vault) maintenance (water removal, painting, minor modifications)
12. Minor cutouts and repair of lines (installation of clamps, welds, etc.)
13. Cathodic protection checks and related repair
14. Sign and marker installation/replacement
15. Relief vent line inspections
16. Maintenance/repair of telemetering equipment
17. Land survey
18. Brush removal
19. Painting above ground facilities
20. Grass cutting or snow plowing
21. Trim trees or remove brush for existing line