



## Highway Maintenance Manual

Bureau of Highway Maintenance

### Chapter 07 Roadside Management

July 2015

### Section 20 Miscellaneous Parcels and Easements

### Subject 15 Special Agreements and Designations

#### 1.0 Authority

[s. 66.0301 Wis. Stats.](#), allows municipalities and the State to contract with one another for the receipt or furnishing of services or joint exercise of any power or duty required or authorized by law.

[s. 84.101 - 107 Wis. Stats.](#), provides for long-term maintenance operations along specially designated segments of highways and identifies specially designated highways (and bridges) such as memorial highways, national parkways, scenic byways and rustic roads. [FDM 4-1-10](#), Special statutory highways, further describes some of these highways.

[FDM 3-10-1](#), Operational planning meeting, project agreement procedure for outlining long-term operation and maintenance agreements between the department and local government.

[FDM 20-5-10](#), Federal natural resource law, provides information on several Federal natural resources laws that may affect work that needs to be accomplished on the right of way. Examples are the Land and Water Conservation (LAWCON) Act of 1965, the Endangered Species Act of 1973 and the Migratory Bird Treaty Act of 1918.

[s. 700.40 Wis. Stats.](#), the Uniform Conservation Easement Act, enables the department to hold scenic easements to protect natural, scenic or open space values of real property. See also HMM 07-20-10, Scenic Easements, of this manual and [FDM 7-55-1](#), Scenic easements.

[FDM 20-30-1](#), State agency agreements, describes the requirements of several inter-agency agreements that the department has entered into. They are as follows.

- The Wisconsin Department of Transportation (WisDOT) and Department of Natural Resources (DNR) Cooperative Agreement regarding transportation projects that could have potential impacts on the environment
- The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) - WisDOT Cooperative Agreement regarding affected farm parcels and the necessity of preparing an Agricultural Impact Statement
- State Historical Society - Wisconsin Department of Transportation Cooperative Agreement regarding archeological surveys of proposed project areas
- Wisconsin Coastal Management Program - Memorandum of Understanding regarding operations necessary to comply with Wisconsin Coastal Management Program

The actual agreements are included in this FDM chapter as attachments.

Section 1.0 of HMM 07-10-30, Unauthorized Vegetation Damage or Destruction, of this manual provides a list of relevant state statutes that pertain to the unauthorized damage or destruction of vegetation on WisDOT right of way.

#### 2.0 General

Certain special agreements may be in place along individual segments of roadways or real estate tracts. Written agreements formally agreed upon, signed by an authorized representative of each participating party and on file, dictate specific maintenance procedures to be accomplished by the department or restrictions that may extend into perpetuity. Roadside management personnel in those areas need to know whom the governing authority is and what the special requirements, if any, are.

- Formal agreements to be considered, commonly entered into by the department, include but are not limited to the following list of example agreement types are as follows.
  - Improvement Project agreements
  - Memorandum of Agreement (MOA)
  - Memorandum of Understanding (MOU)
  - Other Municipal Agreements are formal, signed agreements between the department and other agencies, municipalities or private entities.
- Sidewalks, parking lanes, lighting, enhancements, park and ride lots, bike paths, landscaping and pedestrian trails are common examples of facilities that may have accompanying Municipal Agreements, MOA's and/or MOU's.
- Special roadways are designated by the legislature in the state statutes. Examples are as follows:
  - The Great River Road
  - The Red Arrow Division Memorial Highway
  - The Eisenhower Freeway
- Scenic easements exist along many State Trunk Highways, but especially the Great River Road along the Mississippi River. See HMM 07-20-10, Scenic Easements.

The list of special considerations in Section 2 of [FDM 27-10-1](#) may indicate the possible existence of special agreements containing specific management requirements when those listed conditions are present.

Regional maintenance staff should coordinate with the regional project development, planning and environmental staff to familiarize themselves with any specific roadside management activities required by the various special agreements and statutory designations. Regional real estate staff should be able to provide a listing of scenic easement locations.