



**Highway Maintenance Manual**  
**Chapter 09 Right-of-Way Use & Permits**  
**Section 10 STH Connections**  
**Subject 01 Introduction**

**Bureau of Highway Maintenance**

**September 2015**

## **1.0 Background**

WisDOT has the statutory authority to manage access to the STH system, which is done through a variety of ways. One of these ways is to issue permits for driveways, private and public road connections, and recreational trails/crossings. Chapter 9 of the Highway Maintenance Manual (HMM) has been developed in accordance with WisDOT's legal authority to establish policy and procedures for the STH connection permit process. Previously, this was HMM chapter 91.

## **2.0 Legal Authority**

STH connection permits are issued under the authority of [Wis. Stat. s. 86.07\(2\)](#) *Digging in Highways...* and [Trans 231](#) *Permits for Driveways and Alterations in State Trunk Highways*. Wis. Stat. s. 86.07(2) requires a person to obtain a permit to excavate or fill within the right-of-way (ROW), which correlates to the construction, maintenance, and removal of connections. It also allows WisDOT to place necessary conditions on any connection permit to ensure that it meets the standards, concepts and policies that comprise effective and reasonable access management. The maintaining authority of a highway is also the permitting authority. Additional laws on access management are:

- [s. 84.09](#) *Acquisition of Lands and Interests Therein* (a.k.a., Purchased Access Control)
- [s. 84.25](#) *Controlled-Access Highways* (a.k.a., Administrative Access Control)
- [s. 84.29](#) *National System of Interstate Highways*
- [s. 84.295](#) *Freeways and Expressways*
- [s. 86.05](#) *Entrances to Highways Restored*
- [s. 86.09](#) *Entrances to Cemetery Preserved*
- [Ch. 236](#) *Platting Lands and Recording and Vacating Plats*
- [Trans 233](#) *Division of Land Abutting a STH or Connecting Highway*

The statutes and administrative rules must be considered when reviewing a STH connection permit application. To view this language, click on a hyperlink or the following Legislative Reference Bureau websites:

- Statutes: <http://www.legis.wisconsin.gov/rsb/stats.html>
- Administrative Code: <http://legis.wisconsin.gov/rsb/code.htm>

When WisDOT denies a permit request or revokes a permit that was previously issued under s. 86.07(2), the affected individual(s) has the right to appeal the decision under [s. 86.073](#). Case law may also be applicable to a connection permit application. However, only an OGC attorney shall provide the necessary guidance to determine if the case decision is also applicable to a permitting issue.

## **3.0 Policy Development**

The policy developed by WisDOT for Chapter 9 has been established by reviewing guidelines from the following national sources:

- Transportation Research Board (TRB)
- National Cooperative Highway Research Program (NCHRP)
- American Association of State Highway Transportation Officials (AASHTO)
- Federal Highway Administration (FHWA)
- Other state DOTs

Most of these publications are consistent with each other, thus enabling WisDOT to also be consistent with its policy development for the STH connection permit process. If there is a policy element that is not addressed in HMM Chapter 9, WisDOT shall consult one or more of these national sources for answers to questions and issues and/or to develop new policy on the subject.

#### **4.0 WisDOT Responsibilities**

The **Bureau of Highway Maintenance** (BHM) has authority over and is responsible for maintenance of the STH system, which includes all STH permit processes. Specifically for the connection permit process, BHM is responsible for the:

- Establishment and revision of policy in HMM Chapter 9, Section 10
- Development and revision of the permit and supplemental forms
- Development and revision of WisDOT's website (see [6.0](#))
- Training of WisDOT staff
- Handling of connection permit issues

Questions regarding these items may be directed to [Bob Fasick](#), State ROW Permits Engineer, (608) 266-3438.

The **Bureau of Technical Services** (BTS) is responsible for the:

- Development of criteria used to apply full or partial access control on a particular section of STH, which is documented in [Chapter 7](#) of the Facilities Development Manual.
- Coordination of access management issues on a statewide basis
- Handling questions regarding connection permits that also involve improvement projects, Trans 233 or legal issues
- Handling of appeals of connection permit denials or revocations

Questions regarding these items may be directed to [Mike Roach](#), State Access Engineer, (608) 516-6340.

The **Bureau of Project Development** (BPD) is responsible for the:

- Establishment of design policies and standards related to connections, which is documented in Chapter 11 of the Facilities Development Manual.

Questions regarding this may be directed to [John Bridwell](#), Design Standards Engineer, (608) 266-8664.

The **Bureau of Planning and Economic Development** (BPED) in the Division of Transportation Investment Management (DTIM) is responsible for the State Access Management Plan (SAMP). When reviewing a connection permit application, the SAMP must be considered to ensure that a connection will comply with the future vision of the associated highway corridor.

The **Regional Transportation Offices** are responsible for implementation of the connection permit process, which includes:

- Surveillance
- Issuing permits
- Inventory
- Removing illegal connections
- Checking connection permit requests for the following items to ensure that the proposed connection is legal and would function properly and safely:
  - Existing access controls
  - Planned changes to access controls
  - Corridor plans
  - Subdivisions (Trans 233)
  - Future improvement projects

Each region should have an access management coordinator who reviews all connection permit applications. WisDOT staff responsible for issuing connection permits may be aided by other staff, including county highway department staff under contract with WisDOT, in performing application reviews, meeting with customers, installation inspections, and removing illegal connections.

The **Bureau of Management Services**, Forms Management section, in the Division of Business Management has final approval over any revisions to the connection application/permit forms.

#### 4.1 *Other WisDOT Manuals*

While the majority of information on STH connection permits is contained in HMM Chapter 9, Section 10, other WisDOT manuals contain information related to access and will be referred to throughout this chapter.

#### **Construction & Materials Manual (CMM) Chapter 7**

[2-30.6](#) Temporary construction access on a controlled access highway

[7-80](#) Constructing and restoring access points.

[7-80.1](#) How a project manager should check plan information against state and local rules and regulations, verifying the proposed locations, staking and constructing driveways

[7-80.2](#) The statutory basis for reconstructing driveways during a highway project and instructs the project manager to contact the transportation region access management coordinator before agreeing to any additional access points not shown on the plan. It also mentions the Attorney General's legal opinion that requires the restoration of a maximum of one entrance per economically separate premise or property of separate ownership on each side of the highway, except when adjoining portions of the premises are divided by a natural barrier such as a stream, a second entrance may be restored.

[7-80.3](#) Driveway construction standards from Trans 231

#### **Highway Real Estate Manual Chapter 2, Appraisal Policy**

[2.7.2](#) Driveway replacement and the impact to property values

[2.8.4](#) What an appraiser must consider when access rights are being acquired

[2.8.5](#) Circuity of travel – evaluating a change in access to a property that results in increased travel distances

#### 5.0 *Terms, Definitions and Acronyms*

The following terms, definitions, and acronyms are used throughout this chapter:

1. **AASHTO**. American Association of State Highway Transportation Officials.
2. **Abutting**. Used to define property that shares a border with STH ROW.
3. **Access controlled highways**. Those state trunk or other highways on which WisDOT has restricted the rights of access to abutting owners according to ss. 84.09, 84.25, 84.29, and 84.295 or where partial control is exercised according to Ch. 236, or Trans 231 and Trans 233.
4. **Alter**. Any change done to a connection beyond routine maintenance such as widening, paving, replacing a culvert, and highway improvements. This includes a change of use.
5. **Alternative access**. A connection to a non-STH road.
6. **Applicant**. A property owner, or a person with a *bona fide interest* in the property, who requests a permit.
7. **Change of Use**. Any modification to a property that results in a change in the number and/or types of vehicles using a property's connection(s). Examples include: changing from residential to commercial use, single to multiple residential use, subdividing to accommodate additional residences or businesses, and changing the type of business.
8. **Connection**. A driveway, public or private road, or recreational trail that connects to a state trunk highway.
9. **Connection – Agricultural**. A field entrance for planting, maintaining, and/or harvesting crops or tending livestock, or an entrance specifically for recreational land and/or hunting use, next to a rural-type highway. This use may serve farm buildings, but may not serve residential buildings. This includes timber harvesting.
10. **Connection – Commercial/industrial**. A connection that serves a retail, wholesale, industrial or non-profit business. This may be a driveway or private road that only serves and is maintained by the business.
11. **Connection – Public road**. A road, street, highway, etc. that connects to state trunk highway for public travel and use and is maintained by a local unit of government. A road not maintained by a local unit of government is categorized under #10 or 12.

12. **Connection – Residential.** Connections that serve single and multiple family homes, apartments, condominiums, townhouses, etc.
13. **Driveway.** A roadway constructed to provide access to a public highway from adjacent private property.
14. **FDM.** Facilities Development Manual
15. **FHWA.** Federal Highway Administration
16. **HAMS.** Highway Access Management System
17. **Landing area.** The portion of a connection adjacent to the curb and gutter or shoulder point that will accommodate a stationary vehicle.
18. **NCHRP.** National Cooperative Highway Research Program
19. **Non-Abutting.** Used to define property that does not share a border with STH ROW.
20. **Radii area.** The curved portion of the curb-line or shoulder-line common to intersecting roadways and a fixed distance from a common point of radius.
21. **Rural-type highway cross section.** A portion of roadway that typically has a ditch instead of a curb and gutter.
22. **SAMP.** State Access Management Plan developed by WisDOT's Bureau of Planning and Economic Development.
23. **Shared connection.** A single driveway that serves two or more adjoining properties. It differs from a private road in that a private road typically has multiple driveways connecting to it to serve homes or businesses.
24. **Surveillance.** Periodic inspection of STHs to note any possible changes to connections.
25. **State Trunk Highway (STH).** All numbered roads that are currently a part of the state trunk highway system, which is maintained by WisDOT.
26. **TGM.** Traffic Guidelines Manual
27. **TRB.** Transportation Research Board
28. **Trail or trail crossing.** Any pedestrian, bicycle, snowmobile, equestrian, etc., trail that runs longitudinally along and/or crosses a state trunk highway.
29. **Urban-type highway cross-section.** A portion of roadway that typically has a curb and gutter instead of a ditch.
30. **Vision corners.** Areas adjacent to the intersection of highways or public streets acquired to provide ample sight distance for drivers.

## 6.0 *WisDOT Website Information*

WisDOT maintains a website that provides customers with important information regarding the STH connection permit process. The website address is: <http://wisconsindot.gov/Pages/doing-bus/real-estate/permits/sth.aspx> and it is maintained by the State ROW Permits Engineer in the Bureau of Highway Maintenance. Specifically, the website contains the following topics:

- |   |  |
|---|--|
| <input type="checkbox"/> Background information on the overall process            | <input type="checkbox"/> Existing connections without permits      |
| <input type="checkbox"/> Definition of a STH connection                           | <input type="checkbox"/> Maintenance of connections                |
| <input type="checkbox"/> General requirements (when a permit is needed)           | <input type="checkbox"/> Statutory authority                       |
| <input type="checkbox"/> STH connections types (classifications) and restrictions | <input type="checkbox"/> Links to forms, s. 86.07(2) and Trans 231 |
| <input type="checkbox"/> How to apply for a permit                                | <input type="checkbox"/> Regional office locations and contacts    |
|   | <input type="checkbox"/> Central office (BHM) contact              |