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Abbreviations used Subject 20:

- AADT – Annual Average Daily Traffic
- BTS – Bureau of Technical Services
- CO – Central Office
- CTH – County Trunk Highway
- CSM – Certified Survey Map
- EMS – Emergency Medical Services
- FDM – Facilities Development Manual
- FHWA – Federal Highway Administration
- HMM – Highway Maintenance Manual
- PDS – Project Development Services
- SDD – Standard Detail Drawing
- STH – State Trunk Highway
- ROW – Right-of-Way
- Wis. Admin. Code – Wisconsin Administrative Code
  - Trans – Transportation
- Wis. Stat. – Wisconsin Statute
  - Ch. – Chapter
- § – Section, §§ – Sections

1.0 General Policy

A STH connection permit should only be issued when it is consistent with or supports:

- Wis. Stat. § 86.07(2)(a)
- Wis. Admin. Code § Trans 231
- Access control statutes (§§ 84.09, 84.25, 84.295), access covenants, or other access restrictions
- Property rights of highway authorities and property owners
- Existing STH connection permit restrictions
- Wis. Admin. Code § Trans 233 restrictions
- A current or future highway improvement project
- WisDOT's State Access Management Plan (SAMP) and other long-range transportation plans
- Standards for design, spacing, sight distance, vision corners, drainage, etc., which means that motorist safety and STH operating efficiency (capacity, traffic flow, drainage, etc.) will not be adversely affected

Local ordinances may affect the configuration of any permitted connection including attributes like spacing between connections. Wis. Admin. Code § Trans 231.01(4) provides that WisDOT connection permits cannot supersede *more restrictive* requirements imposed by applicable local (non-state) ordinances. Applicants are responsible for knowing and complying with local ordinances.

A STH connection permit is required when:

1. **Constructing** a new at-ground connection to a STH, which includes reconstructing or relocating[1] the connection. HMM 09-10-15, 3.5 Only use form DT1812 for STH crossings that do not physically connect to the highway, e.g., pedestrian/bike trails on underpasses, overpasses, tunnels, bridges, etc.
2. **Altering** (widening, paving, adding turn lanes, replacing a culvert, etc.) an existing connection on a STH with a valid STH Connection permit, which includes a change of use[2]
3. **Removing** an existing legal, authorized, nonconforming, or illegal connection to a STH
4. **Permitting** an existing unpermitted STH connection if it meets current law, standards, and policy

2.0 Connection Types

For brevity after section 1.0, "Wis. Admin. Code §" has been omitted with Trans references and "Wis. Stat." with most statute references.

Trans 231 defines four types of connections between STHs and private driveways on lands abutting STH ROW:

231.04	**Commercial – rural:** On a rural-type highway cross-section, connections for driveways serving commercial or industrial establishments.	**231.06**	**Commercial – urban:** On an urban-type highway cross-section, connections for driveways serving commercial or industrial establishments.
231.05	**Noncommercial – rural:** On a rural-type highway cross-section, connections for driveways serving **farm** or **residence** property.	**231.07**	**Noncommercial – urban:** On an urban-type highway cross-section, connections for driveways serving residential property.

WisDOT regulates public/private road connections and trails/trail crossings although not specifically present in Trans 231 via § 86.07(2)(a), which requires a permit from the maintaining authority of the highway before excavating, filling, or disturbing the highway (any part of the ROW). Additional uses within each category are listed in sections 2.2 thru 2.7.

Categorize a STH connection according to its expected use, which correlates to the property it serves and how it functions. This is an effective access management tool done through WisDOT's STH Connection permit or inventory process. It is extremely important to document permit restrictions (i.e., conditions[3]) on the type of connection use since it forms the basis for revocation if the use does not comply with the conditions. For example, property owners may not change the volume and nature (type) of traffic using a connection without prior written approval (permit) from WisDOT.

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1 Consists of *removing* an existing connection and *constructing* a new one.

2 "Change the use" means any modification that results in a change in the number or types of vehicles using a connection between private property and the roadway. This often results from a property use change when a single residence is replaced with multiple residential use or commercial use, property is subdivided to accommodate additional residences or businesses, or the type of business conducted on a property changes from a business that attracts a modest number of vehicles to one that attracts a large number of vehicles. For example, a typical farm operation hosting tourist or wedding activities, or a small office being converted into a fast food restaurant with a drive-up.

3 Wis. Stat. § 86.07(2)(a) allows "conditions" to be placed on any permit, "as may be deemed necessary and proper for the preservation of highways, or for the safety of the public, and to make the granting of any such permit conditional thereon."

WisDOT does not regulate abutting land use. This is done by local zoning officials who regulate the nature and character of activity types conducted on a property typically for agricultural, residential, commercial, or industrial purposes. WisDOT regulates STH access, so its focus is on traffic using the connection, i.e., the number of vehicles that will be using an access and vehicle types (cars, commercial trucks, agricultural equipment, etc.). WisDOT may *consider* local zoning, development plans, and current land use in determining the classification of a connection, but this information *influences* rather than determines a final access decision. For additional discussion on zoning and type of use, see 3.4.3. (4d).

For managing the STH connection permit process, WisDOT typically categorizes highway corridors as urban or rural and connections as residential, commercial/industrial, or agricultural. These categories are not established with absolute rules that are applied uniformly regardless of circumstances or conditions. Rather, engineering judgment and discretion are required to determine the best fit for a particular connection – especially in cases where it may fit into more than one category. The preferences of local government officials and the applicant should be considered, but primary considerations for WisDOT staff are highway operations, safety, and mobility.

2.1 Determining Rural or Urban Type Highway Cross-Section

A "rural" or "urban" type highway cross-section for Trans 231 definitions depends on the geometric configuration and associated drainage system at a location rather than a municipal boundary. Usually, a rural highway cross-section has ditches, and an urban highway cross-section has curb and gutter. Assess the highway corridor cross-section in each direction from the connection to determine whether a connection is rural or urban.

If the connection is in a short curb and gutter section between long ditch sections, the connection should be classified as rural. Similarly, if the connection is in a short ditch section between long curb and gutter sections, the connection should be classified as urban. If the connection is in a highway cross-section having both curb and gutter and a ditch, assess the adjacent land use to determine a rural or urban classification.[4] Farm fields, for example, infer a rural classification; residential subdivisions, businesses or industry infer an urban classification.

2.2 Residential – Rural (Trans 231.05) and Residential – Urban (Trans 231.07)

These connection types serve single and multiple family (duplex, 4-plex) homes involving a limited number of units, apartments, condominiums, townhouses, or as an emergency[5] access (for police, fire, or EMS response). The number of daily trips should not exceed 25 for classification as a residential site, which generally limits the connection type to no more than four residential units. Rural – residential may also serve a utility use.[6]

Categorize larger condominium or apartment complexes, buildings, hotels, and extended stay suites as commercial. Evaluate higher traffic count residential facilities under the criteria for a commercial entrance. Require the necessary STH improvements in a manner consistent with the increased use such as turn lanes or the creation of islands and median islands.

2.3 Commercial – Rural (Trans 231.04) and Commercial – Urban (Trans 231.06)

These connection types primarily serve as entrances for business purposes – particularly businesses generating commercial motor vehicle traffic or large numbers of daily trips. Categorize this use as commercial instead of residential or agricultural even if it is operated on residential or agricultural/farm use property. Examples of business activities grouped into these categories include:

1) Retail, wholesale, commercial, and industrial businesses
2) Large scale residential facilities such as apartment complexes, hotels, or non-profit businesses
3) Utility substations, switching stations, cell towers, solar farms, and other utility-related facilities
4) Agricultural-related tourist or event sites, such as corn mazes, petting farms, or wedding venues

The connection may be a driveway or private road served and maintained only by a business. If a business is operated out of a home and does not generate a lot of traffic (analyze vehicle count/types using the connection), categorize the connection as residential instead of commercial unless there are other factors to consider such as commercial or industrial zoning (making future change of use more likely), or the creation or existence of a parking lot for customers (evidence that more traffic generation is likely than a typical residence or farm).

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[4] Classifying connection use as "rural" or "urban" is not related to the "rural" or "urban" federal functional highway classification definitions.

[5] A connection built in the back of a subdivision via a cul-de-sac to reduce incident response time instead of using the main entrance or to get around the entrance if blocked. Typically, it will be hidden, e.g., by using a supporting concrete grid system covered by grass.

[6] See the last two paragraphs of 2.4 for analysis.

2.4 Agricultural (Trans 231.05)

This connection type serves as 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 not residential buildings. Harvesting timber, even if business related, should be classified under this category. Typically, field entrances are seasonally used, which correlates to low AADT for the STH connection. If high AADT is expected, as might result from a wedding venue, corn maze, or other attraction, or from enterprises such as commercial trucking, grain storage, or other traffic-generating business activities, a rural–agricultural categorization is not correct.

Field entrances are typically unpaved but may have gravel surfaces. Any request to pave an entrance should be evaluated and may be better categorized under a different connection category. Automobile traffic should not be the primary user of an entrance classified under this category; tractors, pick-up trucks, semi-trucks (for shipping crops) and agricultural machinery should be the typical users of a rural agricultural connection.

A utility use (e.g., solar farm) may be allowed on agricultural and rural residential lands since it is usually not inconsistent with that use. A key factor is that the traffic types and AADT for utility facility *maintenance* should be similar to those of the field or residential entrance. Utility facility *construction* may need special provisions for a connection permit or a separate temporary connection to minimize impacts to highway and construction traffic. A recorded document such as a deed, ROW plat, § 84.25 authorization, covenant, etc. may also need revision to legalize the utility use.

Issue a permit only to the utility when a property's access restrictions prohibit STH access or prohibit another STH connection. Issue a shared permit to the utility and property owner when a property's access has a specific restriction to ag use or field entrance only, residential only, or when access restrictions do not exist. Obtain a copy of a utility's CPCN[7] or conditional use permit, if applicable, to prove jurisdictional authority approval, or proof of utility–property owner coordination, prior to issuing a WisDOT permit.

2.5 Public or Private Road Connection

A road, street, highway, etc. that intersects a STH for public travel/use and is maintained by a local unit of government is categorized as a public connection. A road not maintained by a local unit of government is categorized as commercial/industrial or residential depending on the nature and amount of traffic using the connection and who (private ownership) is maintaining the road.

2.6 Trail

Any all-terrain vehicle (ATV), bicycle, equestrian, off-highway motorcycle, pedestrian, snowmobile, multi-use trail that runs longitudinally along and/or crosses a STH is in this connection category. Specific guidance on ATV routes and trails is available in HMM 09-10-11 and on WisDOT's website. Specific guidance on snowmobiles is also available on WisDOT's website.

2.7 Emergency Interstate or Freeway Access

A special connection may be allowed for emergency access for police, fire, or Emergency Medical Service response on an Interstate or freeway to reduce incident response time instead of using the closest interchange. Since interstate access is controlled under § 84.29, a connection via a locked gate requires an Interstate Access Justification Report (IAJR) FDM 11-30-15 and approval from the FHWA, Wisconsin Division.

For non-interstate freeways, an IAJR is not required. Send requests to the access unit in the Bureau of Technical Services and on ROW permits unit in the Bureau of Highway Maintenance for evaluation and assistance in developing the proper access modifications and permitting requirements.

[7] Certification of Public Convenience and Necessity, which is issued by the Public Service Commission of Wisconsin

3.0 Permit Application Process

For most STH connection permit situations, Wis DOT region access staff should follow the established steps as documented in this section to process each application. A condensed version of these permit process steps is at the end of Subject 20 as a flowchart, which should only be used as an overview.[8]

During daily business operations, WisDOT receives calls and emails from property owners, prospective buyers, developers, etc. asking various "what if" questions regarding the "possible" issuance of a STH connection permit for their situation. Region access staff, the initial WisDOT decision-makers, should not pre-judge or pre-commit to a decision before a full and complete application has been submitted for review. Staff may discuss facts with customers, obtain all relevant information, and give an assessment of the *likelihood* of approval, but they must always be clear that WisDOT cannot render a decision without a full and complete permit application.

3.1 Step 1: WisDOT Receives Permit Application

Customers must use WisDOT's e-permitting system (SHAPES[9]) to apply for a STH connection permit, which includes form DT1504, *State Trunk Highway Connection Application*, along with the necessary supporting documentation. Mail a paper copy of the form to a customer if needed. Enter any information into SHAPES that is received from the customer via return mail. HMM 09-10-15, 3.0, Table 1

A landowner abutting STH ROW may apply for a STH connection permit. A person that has a *bona fide interest* in the property may also apply. HMM 09-10-15, 3.1 A representative of the owner, such as an attorney or consultant, may prepare application materials on behalf of the owner, but the owner must be the applicant.

3.2 Step 2: Initial Review

As directed by management, a region's access management coordinator or engineer reviews the application to determine whether all necessary information has been provided. ***Step 2a:*** Return the application to the customer if any information is missing or incomplete or if an old or different form (paper copy) was used.

Region staff should not fill out form DT1504 for an applicant. Staff may review a permit application with the applicant to obtain all necessary information and explain all requirements and potential restrictions. Staff may advise an applicant as to what they believe the answers are to application questions, e.g., distance from a side road to the proposed connection. If corrections are made on the application, return it to the applicant for review and approval. Correspondence from the applicant approving these changes is needed before reviewing the completed application. With any appeal or permit condition enforcement, it is vital to document that the applicant signed the completed application and approved any changes WisDOT made. Do this using SHAPES.

3.3 Step 3: Start Formal Review

Upon successful completion of the permit application and supporting documentation, start the formal review process. Check for other relevant application information, which may include, but is not limited to:

a. Previous permits, requests,[10] and other electronically stored information (SHAPES, Outlook, Box, etc.)

b. Property records, including CSMs, subdivision plats, deeds, and instruments in the title record for the property, and especially highway conveyances

c. County GIS sites for parcel ownership, lot size/shape/area, and compare with submitted property deed

d. Existing zoning/land use to ensure consistency with the application[11]

e. Historical paper files

f. Existing access in the area. Use County GIS, Google Earth, PathWeb (ArcGIS photolog), etc. Make aerial map(s) for site review as needed.

g. County or municipal government input. If local input is desired before permit decisions are made, region access staff should do this step only after a completed application is received. Share the application with local government representatives to eliminate disputes on whether WisDOT misunderstood or misrepresented the application to them and make their comments part of WisDOT's official record.

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[8] Staff may deviate from the normal review process if county/municipal government actions or management directives cause it to be performed out of sequence or additional steps are required prior to permit approval, denial, or dismissal. Examples provided herein are for information only and are not intended to include everything as there are many different access management scenarios possible.

[9] See 4.0 in this Subject and 09-10-35 on using SHAPES – State Highway Access and Permitting Electronic System.

[10] It is critical to track applications submitted for the same general area, which may occur when a person keeps applying for a permit even though s/he has no right to apply or if WisDOT has denied previous requests.

[11] While STH connection permits should be consistent with local zoning and land use, WisDOT has no control over it. See (4e).

3.4 Step 4: Check for Various Conflicts with Items 4a thru 4e

This is an extremely important step in the process and has two parts. First, ***check the property*** to determine if there are any legal or other restrictions that may prohibit STH access (items 4a thru 4d). Since there may be many documents with restrictions to review, make sure to use the controlling document.[12] If the documents conflict or are unclear, consult with the Office of General Counsel (OGC) for legal assistance. Second, ***check the proposed connection*** to determine if any adverse impacts may be created to the state or local highway system or to current or future improvement projects (item 4e).

Part of the step 4 reviews may be done prior to application submittal, e.g., a consultant may meet with WisDOT before designing connections for a strip-mall, housing complex, or other development. If the necessary checks of items 4a thru 4e have been previously completed, complete a cursory review to ensure that the applicant has followed through with WisDOT's requirements or recommendations.

Circulate the full permit application to the appropriate region sections for review. Resolve conflicts between the proposed connection and items 4a thru 4e before issuing a permit. If those conflicts involve acquired or statutory access controls, scenic easements, and subdivision plat restrictions, approval is required from BTS, Acquisition and Services Section, before becoming official. Such conflicts may require modifications to recorded documents to issue a permit. Contact the Access Unit in BTS for assistance.

3.4.1 Access Controls: 4(a) Police Power – §§ 84.25, 84.29, 84.295, 86.07(2)(a); 4(b) Ownership – § 84.09

WisDOT and local highway authorities control access using a variety of statutes. Use the regular process in 3.0 to review a STH connection permit application if property or police power restrictions allow STH access under:

- § 84.25 controls
- § 84.29 or § 84.295 controls – freeway or expressway mapping
- § 84.09 control with real-property access restrictions such as lands on which highway authorities previously acquired access rights affecting that land 3.4.1.2 *(1)-(4)*
- § 86.07(2)(a) no access control other than permitting HMM 09-10-15, 2.0

Since §§ 84.29 and 84.295 deal with interstate highways, no permit guidance is written in (4a) as permits are not issued for direct access. See 2.7.

Thoroughly check title history of an owner's property when performing §§ 84.09, 84.25, and 84.295 reviews. Also, other access controls may be in place that are not evident on the deed, title history, or ROW plat. For example, county access controls (§ 83.027) may exist on a highway segment that WisDOT obtained via a jurisdictional transfer.[13] Check with other governmental authorities when necessary.

3.4.1.1 (4a) Police Power Regulation of Highway Access – §§ 84.25, 84.29, 84.295, 86.07(2)(a)

"Police power" is the statutory and common law government right to regulate citizen behavior and highway use. For example, § 86.07(2)(a) requires a person to obtain a permit to excavate or place fill in STH ROW and is the most basic control over establishment and regulation of connection points. WisDOT decides where and how access to its highways may be constructed since they are state facilities. WisDOT may control access using official mapping under §§ 84.25, 84.29 and 84.295. Highway design decisions (e.g., installing raised medians, making roads one-way, installing traffic signals) are also considered police power controls. Less expense and more flexibility are typical advantages in using police power to regulate access.

Section 84.25 gives WisDOT, and § 83.027 gives county governments, more structured control over highways under their respective jurisdiction. If property abutting a STH highway is subject to access control restrictions under these statutes, and no connections are *authorized*, WisDOT cannot issue a permit for a connection to the highway from that property.

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[12] For example, if there is a conflict between a property deed and a ROW plat, the deed controls.

[13] Access controls established under § 84.25 can be jurisdictionally transferred (JTd) from the state to county governments following the processes in § 84.25(13). Section 83.027, by contrast, provides no method for county-imposed restrictions on a CTH to be JTd to the state, but appears to allow for county access controls to remain in place following a JT. To avoid inadvertent vacation of county access controls when a CTH is JTd to WisDOT, CTH routing must remain on the highway. WisDOT may also engage in the § 84.25 access control process if it wants to retain similar access controls on the JTd highway.

If connections to a STH segment are subject to § 83.027 control, as might occur when CTH and STH designations both exist or a CTH has been jurisdictionally transferred (JTd) to WisDOT, county board approval is required under § 83.027(4) as well as WisDOT approval. Issue WisDOT's permit only if county board approval is granted or issue the permit and insert a provision stating that WisDOT's permit is only valid if county board approval is granted.

In addition to outright prohibiting access or owning access rights, government authorities may simply restrict the type of access allowed from a property under its police power as a condition of a connection permit. Review WisDOT records to determine if a property has a permit issued under § 86.07(2)(a)[14] and for any restrictions placed on the connection as a condition of WisDOT's approval. If they exist, evaluate the application for conflicts with the restrictions including legal and system operation conflicts. Use process steps 6-7 as needed. For example, a well-functioning connection serving 1-50 AADT that complies with existing permit restrictions may create unacceptable traffic conflicts if a proposed change in use would generate 500-1,000 AADT. Use Trans 231 to maintain current legal restrictions on connections and/or develop new ones as applicable. Other permit conditions may be added as special provisions, e.g., restricting a connection to right-in, right-out turning movements. ★*Permits cannot be assigned or transferred from one owner to another owner. Instead, issue a new permit to a new owner.*★

3.4.1.2 (4b) Government Acquired Access Rights (Ownership) – § 84.09

WisDOT or a local government, rather than a property owner, sometimes *owns* the right to apply for a STH connection from lands abutting the highway. This usually occurs in one of four ways:

1) State or local government acquires access rights from the property owner
2) A new road/street is constructed upon fee title lands on a new alignment and the government unit does not allow any access rights to accrue to the abutting lands (e.g., WisDOT's "shark teeth" plat symbol)
3) Subdivision plat dedication
4) Covenants that are conveyed to the government (often as a condition of a permit)

WisDOT acquires access rights by accepting, purchasing, or condemning land or access rights from abutting landowners. Authority to purchase access rights is found in § 84.09, which directs WisDOT to follow the real estate acquisition processes in Wis. Stat. Ch. 32.[15] WisDOT often refers to these properties as being, "controlled under § 84.09," because the government controls ownership of the land rights and can deny others the right to use the lands in the same manner any landowner can deny entry to his/her lands. However, that "control" is derived from *ownership* rather than regulation of access rights. Local governments may also acquire lands and access rights under their authority.

Conveyances and awards of access rights often reserve abutting landowners' authority to apply for highway connections at one or possibly a few locations. This reduces the total number of potential highway connections with the goal of preserving highway safety, operability, and mobility. The abutting owner in these situations "reserves" the landowner's right to apply for a permit pursuant to § 86.07(2)(a) at those locations. The landowner does not gain easement or other rights in this situation, and a permit application may be denied if it is not consistent with the provisions of Trans 231. Denial of all access to a property, however, may result in a claim for inverse condemnation if the abutting owner can establish that substantially all use of the property has been taken by WisDOT's actions.

3.4.1.2.1 Access Covenants

Fully review existing connection permits and property title history for access covenants that created restrictions on the property. Covenants may or may not have been cross-referenced with permits and need to be dealt with differently. So, handle each separately.

It is important to remember that access covenants are associated with real estate, i.e., recorded legal documents on a deed (chain of title), which may only be altered or modified using formal real estate processes, but permit restrictions are associated with police powers and are handled through permitting. When the government owns all rights to access the highway, then the abutting landowner has no right to apply for a connection permit. The government owns the right to make that application. Responding to access modification requests in this situation are discussed in 3.4.1.3.

[14] A WisDOT permit may have been issued under § 86.07(2) prior to the 2015 statute revision under Act 231.

[15] WisDOT often purchased access in the past but has relied more on other police powers to control access in recent times.

3.4.1.2.2 Real Estate Processes

When WisDOT owns all access rights, because it purchased them or because they never accrued to lands abutting a highway on a new alignment, real estate processes **must** be followed before any permit application may be accepted or acted upon. In addition, Real Estate's surplus lands coordinator (SLC) typically needs to appraise the land rights and the abutting landowner may need to pay fair market value to WisDOT for those rights. BTS should review and approve the proposed access control change before an appraisal is done. If BTS does not approve the change, the cost of the appraisal can be avoided.

If the county or a local government acquired the access rights, the landowner must acquire the right to apply for a permit from that governmental unit before it can apply for a permit with WisDOT. If federal funds were used to acquire access controls, the Federal Highway Administration may require WisDOT to repay federal funds before approving an access control change.

If the access point location is defined in a deed or award of damages, conveyances will be required to modify the access. This will require consent not only of WisDOT and the landowner, but also any other persons who own an interest in the lands, such as lienholders, who must join in the conveyances. The landowners must obtain agreement from other interest holders.[16] Contact OGC for legal assistance to develop the required real estate conveyances. Once those conveyances have been executed and recorded, the abutting landowner owns the right to apply for a permit and access staff may approve it.[17]

★ *Remember, when WisDOT decides to issue a connection permit to property upon which access rights are owned by WisDOT, those rights **must** be conveyed to the property owner before permit issuance.* ★ Region access management, planning, and real estate staff, along with the BTS Access Unit, must review and approve the access control modification, and coordination with the Real Estate SLC and OGC is required to formalize the required conveyance documents prior to permit issuance.

3.4.1.3 Reviewing Access Modification Requests Subject to Access Restrictions

Land use or the highway system in an area will occasionally change to such a level that WisDOT may consider revising previously established access restrictions. This includes WisDOT-owned access rights or existing access covenants.

Upon request from a property owner or as directed by management, review the application to determine if existing access restrictions may be modified (blue box). If there is no request, or after evaluating existing access restrictions such that items ❶–❸ cannot be met, a STH connection permit should not be issued.

Access Modification Request Review Steps

✓ Use permit process steps 6-7 as needed. WisDOT may also need the following from the customer to assist with its review:

- A detailed description of the intent and proposed use(s)
- A site plan that includes proposed highway alterations, highway drainage plans, internal traffic patterns, and parking layouts
- A traffic impact analysis for the requested connection(s) to understand why each access point is needed for site operation and the potential impacts on the transportation system

✓ After evaluation, access or change in use may be allowed if **all three** are met:

❶ Engineering standards (or a minor exception to standards is allowed),
❷ No adverse impacts (safety, mobility, etc.) to STH/local road systems, **and**
❸ Creation of a STH system betterment and related public benefit.

✓ Re-review any restrictions found in step 4 to determine how they would be modified.

When an access modification request occurs, obtain consensus from region Real Estate, PDS, Planning, and Operations sections, or a special access management team, to accept or deny the request. If it is recommended to revise access controls WisDOT owns under § 84.09 or established under § 84.25, send copies of all materials used in the analysis to the Statewide Access Engineer in BTS for additional review and final determination. If the access control change is acceptable to WisDOT, proceed with the modification process in FDM 07-20-5 for § 84.09 cases or FDM 07-15-5 for § 84.25 cases.

Occasionally, a landowner may simply seek to relocate a connection from a location specified in a prior conveyance or land transfer, such as a location reserved to an abutting landowner in a deed or award of damages. Use the same processes described above to evaluate the proposed change.

[16] If a property restriction is created in a condo development, subdivision plat or CSM, other landowners in the development, subdivision or CSM may have enforcement rights over those restrictive covenants, and they may be necessary parties to any instrument changing the restrictions. Lienholders are more common, but many planned developments have mutually enforceable restrictions on them.

[17] Assumes that if the permit would be denied, WisDOT would not agree to conveying away the access rights it owns.

3.4.1.4 Reviewing a Change of Use under § 86.07(2)(a)

Use the modification review steps in 3.4.1.3 to review a change of use for a connection involving permit restrictions under § 86.07(2)(a). See (4a) for discussion on permit restrictions and review the examples below for permit and covenant restriction changes of allowable connection use.

Permit example:	**Covenant example:**
Existing permitted connection currently meets 1,000' spacing criteria on Tier 2b highway. WisDOT receives a request to move the connection to create a shared access but spacing is reduced to 900'. If an engineering analysis determines there is no significant safety risk to the STH and that it will not adversely affect mobility, WisDOT may allow the new location by revoking the old permit and issuing a new one, which may be subject to new restrictions.	Property with long STH frontage has four connections with three restricted to ag use only and the other residential. Owner wants to sell part of his land with one of the ag connections for a small business that would generate 50-100 AADT. Local zoning approves change in use. Owner is willing to consolidate remaining ag connections into one creating better STH spacing and allow a new covenant for AADT/vehicle types for the altered connection. If WisDOT determines the request creates a STH system betterment and related public benefit, WisDOT may allow the request. Because the covenant is an interest in real estate, the same methods highlighted in (4b)*(1)* must be used.

3.4.1.5 Handling Access Dismissals and Permit Denials

Summarily dismiss an application if a property is subject to restrictions prohibiting STH access under §§ 84.09, 84.25, 84.29, or 84.295 and return it to the applicant citing the specific statute. In these cases, the applicant does not have the right to apply for a connection permit nor the right to appeal WisDOT's dismissal.

Deny a new permit if the only access control is § 86.07(2)(a). The applicant may appeal a § 86.07(2)(a) denial under § 86.073 and must be informed of that appeal right. See process step 10.

WisDOT has developed form letters for this process that include the required disclosures. Select the proper letter template in SHAPES, which should explain the access controls or restrictions in effect and why the connection cannot be permitted and send to the applicant. If a connection exists, determine whether a permit was issued in error, or the connection was built illegally. Either way, WisDOT should take steps to remove or at least block access to the connection unless directed by upper management and/or OGC. HMM 09-10-30, 5.5

3.4.2 4(c): Access Restrictions Established under Trans 233

Trans 233 is a WisDOT regulation/rule that establishes requirements for subdivision review and approval under Ch. 236. Section 236.13(1)(e) prohibits approval of a subdivision plat that does not comply with WisDOT rules related to highway connections or the preservation of the public interest and investment in highways. Section 236.12(2)(ap) provides WisDOT with an opportunity to object to a proposed subdivision plat of lands abutting any state or connecting highway and allows WisDOT to insist upon conformance to its rules regulating highway access and improvement setbacks (Trans 231 and Trans 233). WisDOT may object to proposed subdivision entrances onto the STH system and require setbacks from a STH under those rules. The Dept of Administration coordinates the state's responses to proposed subdivision plats on behalf of WisDOT and other state agencies.

If property under review is included in a subdivision plat or was part of a land division or assemblage between 2/1/99 and 1/28/04, then restrictions imposed under Trans 233 may apply to it. Review WisDOT's Trans 233 records to determine if there are any access restrictions on the property involving new or existing connections. See FDM 7-50-1.

3.4.3 4(d): Local Zoning and Ordinances, Type of Use, Utility Use

Local zoning and regulations affect WisDOT permitting decisions to a limited extent. If local ordinances impose stricter restrictions on access points than Trans 231, those stricter controls will serve as the maximum allowable on a WisDOT permit. Trans 231.01(4) limits WisDOT's authority by providing that, *"[n]o permit issued pursuant to this authority shall supersede more restrictive requirements imposed by valid applicable local ordinances."*

WisDOT does not regulate land use. It regulates the STH system and access to it. Whether a property is zoned commercial, residential, or agricultural is mostly irrelevant to WisDOT. What is important are the traffic types and volumes that a site produces, or a proposed development is expected to produce. For example, a field entrance typically generates only a few trips per week for equipment to plant, fertilize, and harvest crops and should be evaluated under Trans 231.05 as a noncommercial – rural connection. If it is used as parking for a corn maze or wedding venue, hundreds of daily trips might be expected, and the entrance should be evaluated under Trans 231.04 as a commercial – rural connection. Also review 2.4 for utility use on agricultural lands.

If WisDOT has concerns about controlling current or future traffic types and volumes when access is requested or authorized for a particular use, consider limiting the connection use. Issue permit conditions or insist upon receiving a conveyance that will lock restrictions agreed to by a landowner such that subsequent landowners are aware of and bound by the limitations placed upon use of the connection.

It may be appropriate for zoning not to match with the connection use. For example, land abutting a § 84.295 designated expressway that is zoned commercial but has agricultural use. A connection may need restrictions such as low AADT, which preserves highway safety and mobility by reducing the number of conflicts at the authorized access point. For a commercial site development, alternative access may be required.

Be aware of potential zoning changes when a property is within a known development area or between an urban-rural transitional area. If a zoning authority will not approve a property's zoning change unless WisDOT issues a STH connection permit, WisDOT *may* issue the permit that is valid only upon an approved zoning change documented and sent to WisDOT in writing by the zoning authority.

WisDOT may delay permit issuance until rezoning issues can be resolved between an applicant and a zoning authority, e.g., if a proposed commercial use connection will serve land currently zoned agricultural, or if the applicant or local unit of government has not committed to building the necessary infrastructure (medians, turn lanes, traffic signals, etc.) associated with the proposed connection.

Trans 231 does not provide strict definitions of when commercial or noncommercial standards apply. Review local zoning categories for guidance on how authorities classify a property or an establishment, however, local zoning is not definitive. Independently review and apply Trans 231 standards in accordance with a traffic analysis that is using or expected to use a connection. The BTS Access Unit can provide help with this analysis.

3.4.4 (4e): State and Local Highway System Impacts (Planning and Improvement Project Coordination)

Review the 6-year highway improvement program, the State Access Management Plan HMM 09-10-05, 3.0, corridor plans, other long-range plans, and any traffic impact analysis (if needed) to determine if there may be state and/or local highway system impacts. Depending on proposed connection complexity or developments, check with county safety committee representatives, PDS project managers, and traffic, planning, and maintenance staff, etc. to obtain their comments and concerns with proposed connection.

3.5 Step 5: Finish Permit Process

Once the reviews in step 4 have been completed and if the application has not been summarily dismissed or a permit denied, proceed with the remaining steps in the permit process.

3.6 Step 6: Site Reviews

Perform a site review for permit applications to ensure plan accuracy and connection design information. Check the existing physical conditions to assist with step 7b. Meet with applicant (and property owner if not applicant) if needed. In some cases, such as minor alterations like paving a connection, replacing a culvert, etc., a site review may not be necessary.

3.6.1 Step 6a: Potential Subdivision?

Check for a potential subdivision during the site review even if it was not disclosed with the initial Trans 233 review (4c) since site conditions may be different than information submitted with the application. Wis. Stat. § 236.02(12)(am)2. provides that compliance with all Ch. 236 subdivision approval requirements apply if, *"five or more parcels or building sites of 1½ acres each or less in area are created by successive divisions within a period of 5 years."* When multiple CSMs have been filed and more than five lots of less than 1½ acres have been created, contact OGC and direct the applicant to comply with Trans 231.01(9) and the requirements of Ch. 236 and include the proposed connection on the required subdivision plat.

3.7 Step 7: Engineering and Policy Analysis

Perform a comprehensive check of WisDOT policy and all applicable design standards for the connection and determine if direct STH access is needed or alternative access is available to another road.

3.7.1 (7a): Alternative Access Available or STH Connection Already Exists? Is STH Access Necessary?

If merited, only one STH connection *may* be allowed for a property. However, it is never guaranteed. With some highways (e.g., arterials) a connection to a lower road classification (e.g., collector) or a road with a lower traffic volume is preferred over a STH connection.

If alternative access (local road, shared access with or across another property, etc.) is ***not*** available, then consider whether a STH connection may provide adequate and sufficiently safe access to the highway (7d). If no connection is permitted to the STH, and the landowner did not create the condition by transferring a parcel that provided the property with other access, declining the permit application may subject WisDOT to an inverse condemnation claim if all or substantially all property value is lost. In these cases, WisDOT may also consider acquiring the access rights [as may be required under §§ 84.29(4),(8) and 84.295(5),(9)] or building an access/frontage road to the property as provided in §§ 84.29(4) and 84.295(5).

It may be that the only affordable solution to provide property access to an applicant is issuing a permit with restrictions and requirements that will make the connection's safety risk acceptable to WisDOT. If alternative access ***is*** available, then the region may direct the applicant to use that alternative rather than obtain a STH connection based upon WisDOT access management policy and Trans 231.03(2).

If alternative access is available and the property has an existing STH connection, then the region must decide whether another STH connection is necessary and fits access management policy, i.e., would it benefit the applicant *and* benefit and/or not adversely affect the traveling public? A natural barrier such as a waterway or ravine making access impractical to all parts of a property from one connection may be a legitimate reason for a second connection. Trans 231.03(2) provides that WisDOT **may not permit more than the minimum number of connections** deemed necessary for reasonable service to a property.

3.7.2 (7b): Does Proposed Design Meet Standards?

Evaluate the proposed STH connection design for:

1. **Intersection sight distance.** A sufficient distance must be provided where there is unobstructed horizontal and vertical sight lines along both roads of an intersection, and across their included corners, to allow drivers approaching or stopped at an intersection to safely make any required maneuvers to negotiate the intersection. HMM 09-10-10, 3.0, FDM 11-10-5, 5.1.4

2. **Connection spacing.** FDM 11-5-5, 5.3 contains various references to spacing. FDM 11-5-5, Attachment 5.1 should be followed, and additional guidance is provided in HMM 09-10-10, 4.0. Spacing from ramp terminals to the nearest side road intersection should follow FDM 11-5-5, Attachment 5.2.

3. **Functional area.** Consistent with Trans 231.03(1), prohibit connections within the functional area of an intersection. HMM 09-10-05, 2.7 This extends beyond radii ends or turn-lane tapers of an intersection.

4. **Vision corners.** All road/street connections shall be constructed with an appropriate vision corner, FDM 11-10-5, 5.1.4.4, which is made up of a clear sight window for (1) intersection sight distance and (2) a vision triangle. All driveway connections shall have (1) and should also have (2).

5. **Approach grade.** An adequate approach grade and landing area shall be provided for the STH connection. SDD 9A-11, SDD 9A-12 (urban); SDD 9A-14 (urban and rural)

6. **Proper drainage.** If a culvert is needed under a STH connection, it must be the proper size to maintain adequate water flow and have properly designed end sections. HMM 09-10-10, 9.0

7. **Crash history; posted speed limit; annual average daily traffic (AADT).** Evaluate these items for possible safety risks, e.g., (1) a significant number of crashes exists at a location or on the adjacent corridor due to the number or spacing or existing connections, (2) slow moving vehicles entering or exiting the highway may not be suitable on a high-speed highway (or turn lanes may be required), and (3) excessive AADT may lead to increased congestion and less mobility if another connection is built.

   The applicant must provide complete details of all expected vehicles (i.e., types, volumes, duration, etc.) using a proposed connection. If a more in-depth internal access review or traffic impact analysis (TIA) is necessary, the design must include WisDOT required system improvements.

3.7.3 (7c): Can Design be Revised to Meet Standards?

Work with the applicant to revise a proposed STH connection design if it does not initially meet standards.

3.7.4 (7d): Issue permit with an Exception to Standards or Policy? Issue ROUNC?

All permitted STH connections shall meet the requirements of Wisconsin statutes and administrative rules.

★ *WisDOT cannot issue a permit that creates an illegal STH connection.* ★

For example, a permit cannot be issued for a property that has legal restrictions prohibiting STH access until those restrictions are either eliminated or appropriately modified. As discussed in FDM 7-50-1, region staff do not have the authority to waive any Ch. 236 subdivision plat-imposed restrictions. Permits cannot violate restrictions on the subdivision plat unless the BTS Director formally waives those restrictions.

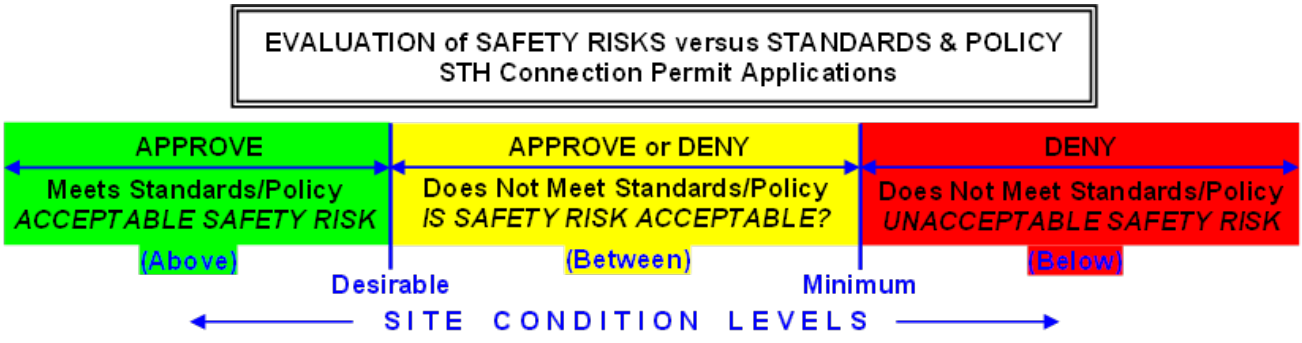
Do not issue permits that violate Trans 231. Exceptions may be granted to Trans 231 requirements, but Trans 231.01(5) provides that any permits for installations or alterations that exceed the limits or conditions in Trans 231 may be issued only, "on specific approval of the Secretary." The rule does not permit delegation of that authority to subordinates. It is drafted to require Secretary-level approval to minimize the frequency and number of exemptions granted by WisDOT to that chapter's standards. Staff may approve minor exceptions to policy or design standards without management approval (e.g., reduction of spacing requirements between connections), but they cannot undertake actions that violate Trans 231 requirements without the Secretary's approval (e.g., a fire station connection needing more than 35 feet to accommodate its bays).

When a proposed STH connection does not meet current FDM and HMM standards but does meet Trans 231 requirements, a permit may be issued if the design and site conditions would allow an acceptable safety risk for both STH and connection users based upon a comprehensive analysis. Use the criteria in 7b(1-7) and other important factors (e.g., site video) to evaluate the design and site conditions to determine the safety risk.

When a proposed STH connection does not meet current policy (unrelated to standards), a permit may be issued if the design and site conditions would allow an acceptable safety risk for both STH and connection users based upon a comprehensive analysis and does not establish a precedent. Since WisDOT's STH connection permit policy is based on national access management principles, policy exceptions should only be approved in rare cases. When evaluating a policy exception, it may be necessary to review and perhaps revise the policy rather than issuing the exception.

When a proposed connection does not meet both current standards and policy, and the property would be landlocked without the access, it may be acceptable to issue a Record of Unpermitted Nonconforming Connection (ROUNC). This should be done only if traffic volumes are low, and the connection would only be accessed a few times per year. See HMM 09-10-30, 4.1, Table 2 for guidance.

Use the diagram below to evaluate safety risks versus standards and policy. When site conditions are in the yellow area, thoroughly analyze the STH connection application to determine whether to deny a permit or issue it with an exception to standards or policy. A region access team meeting may be needed. When site conditions are in the red area, the permit should be denied – with the possible exception of issuing a ROUNC as noted in the preceding paragraph.



3.8 Step 8: Issue Work Permit

Issue a work permit using form DT1504 when the proposed connection:

- Meets law, standards, and policy
- Does not meet Trans 231 requirements, but the Secretary authorizes an exception to the Trans 231 requirement(s) at issue
- Does not meet one or more FDM, HMM, or Access Management Manual standards or policy, but WisDOT concludes that an exception to standards or policy should be granted

Check DT1504 supplemental provision boxes and add special provisions (conditions) to the permit as needed HMM 09-10-25. Ensure that all documentation included with the permit is entered into SHAPES. The applicant must construct the connection using the information from the approved permit, which includes form DT1504, supplemental and special permit provisions, associated drawings, appropriate work zone traffic control, erosion control best management practices, etc. The work permit only allows construction to proceed. Step 11 is required before the applicant receives the final document as detailed in step 12. The permit ID number in this step will be different than the document ID number issued in step 12.

3.9 Step 9: Deny Permit

Deny the permit when the proposed connection cannot meet legal requirements, or when it does not meet FDM, HMM, or Access Management Manual standards or policy, and an exception to standards or policy cannot be granted. Record information in SHAPES and send a copy to the Statewide Access Engineer. STH connection permits may be denied for the following reasons (not an all-inclusive list):

a. The minimum number of connections necessary to provide reasonable access to a property already exists. Trans 231.03(2)

b. STH connection permit approval would create an unacceptable safety risk. For example:

1. Insufficient intersection sight distance or stopping sight distance between vehicles approaching the proposed connection and those entering/exiting it
2. Areas of frequent lane changing (weaving) due to traffic entering or exiting the adjacent STH
3. When traffic congestion *currently exists* due to other existing connections near the proposed connection site, or when traffic congestion *would occur* if the connection was approved since data (from of a traffic impact analysis or other engineering analysis) supports this conclusion
4. When a proper grade or approach length is not proposed for the connection that would provide an adequate landing area for the vehicle type(s) utilizing it to safely stop and then enter the STH.

   When a STH connection permit approval would create a high-risk safety hazard, the existence of any alternative access to the applicant's property justifies permit denial – even if extremely inconvenient.

c. To maintain STH functionality:

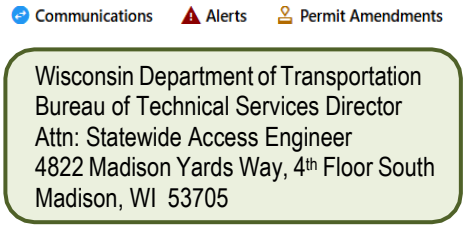
1. Other access to the property exists, and there are no natural barriers preventing internal circulation
2. Access is available from a lower functional road abutting the property
3. WisDOT has developed highway improvement plans that include restricting or eliminating access at the proposed site. When conflicts with WisDOT's plans occur, development of service roads that is consistent with the plans may be considered.

   Research and experience confirm that as the number of connections increase on a highway, its safety, capacity, mobility, and functionality decline. This is the main reason why WisDOT limits the number of connections to a property.

d. An applicant has illegally altered a permit application form and/or has purposely submitted false information on or along with the form to WisDOT

3.10 Step 10: Appeal Process

Under § 86.073, an applicant has the right to appeal a region's decision to deny[18] a STH connection permit application. Using the "Alerts" tab in the main menu bar of SHAPES, select the denial letter template and check the proper boxes and/or add items to document the reason(s) for the denial. Send the letter via certified[19] mail and the applicant's SHAPES account.[20] The applicant has 30 calendar days upon receipt[21] of the letter to appeal to WisDOT, which must be in writing and submitted to the address on the right and/or using their SHAPES account.



After an appeal request has been received, direct all inquiries to the Statewide Access Engineer (SAE).[22] Region staff should not help, advise, or say anything to the applicant during the appeals process. Do not encourage appeals as a method for reversing WisDOT policy.

If the BTS Director ***confirms*** or ***modifies***[23] a region office decision, the Director notifies the region and the applicant of the grounds for the action with a letter, which must also include language that the applicant has the right to further appeal WisDOT's decision to the Department of Administration (DOA), Division of Hearings and Appeals (DHA). The SAE or Statewide Access Coordinator sends the letter to the applicant by certified mail and the applicant's SHAPES account as documented above.

If the applicant submits a written appeal request within 30 calendar days upon receipt of the Director's letter to the address at the right, a DHA hearing examiner, in consultation with the appellant and Office of General Counsel, schedules a hearing.[24]

Division of Hearings and Appeals
General Government Unit
4822 Madison Yards Way, 5th Floor North
Madison, WI 53705

The appeals panel should be making its decision based on the facts contained in WisDOT's Record of Decision (Step 13), i.e., on the facts the region office received, considered, and reviewed. New facts or arguments should not be introduced by panel members or brought to them from the outside at this stage. If an appeal request specifies facts or issues that were not included or considered in the original application, inform the appellant to submit a new application with the new facts or issues included so the region office can evaluate them.

If the BTS Director, DHA, or a court decision ***reverses*** a denial decision, it would lead to the permit application being approved by the region office or the ROW Permits Unit in BHM.

3.11 Step 11: Inspection. Is ROW Properly Restored?

Inspect each STH connection during its construction and after completion to ensure compliance with permit conditions and policy. Notify the applicant as soon as possible if any adjustments are required. If the ROW is fully restored to WisDOT's satisfaction, go to step 12. Otherwise, repeat this step as often as needed. Take pictures as needed to document inspections and place them in the SHAPES with the permit file.

3.12 Step 12: Issue Connection Permit, Authorized Access Point Documented (AAPD), or Record of Unpermitted-Nonconforming Connection (ROUNC)

Once the ROW is fully restored to WisDOT's satisfaction, issue one of the three documents described above that best fits the applicant's situation. A connection permit is used with § 84.09 and § 86.07(2)(a), an AAPD is used only with § 84.25, and a ROUNC is used when a connection permit cannot be issued. Connection permits and AAPDs allow the landowner to have a legal connection in STH ROW and are issued on form DT1504. The ROUNC is not a permit and only acknowledges the existence of the connection. It is issued on form DT2231. If a work permit was issued (step 8), the document issued in step 12 will have a different ID number.

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[18] The Region Director should be informed of all permit denials especially if they may become controversial.

[19] Use Return Receipt Service so the applicant (or spouse, etc.) receiving the letter signs for it and the receipt is returned to WisDOT.

[20] Also using the "Alerts" tab, which is a backup to notify the applicant that the letter is officially being sent by certified mail.

[21] "Receipt" means when a person signs for the certified letter. If the letter is not signed for, the receipt date is when the Post Office first attempted to deliver the letter. Document the receipt date 'Alert Date' in SHAPES.

[22] Reply to applicant with a brief message, e.g., "Inquires about appeals made to the Statewide Access Engineer (SAE) should be directed to that office. The region office has concluded its review of your application, and the SAE is reviewing that decision per your request."

[23] The BTS Director may modify a region office decision by authorizing a permit to be issued with revised and/or additional provisions than what the region had originally developed.

[24] This appeal cannot be made through SHAPES since goes directly to DHA. Place a copy of the letter in the applicant's SHAPES account.

3.13 Step 13: Record of Decision

Whether a permit application is approved, denied, or summarily dismissed, document all facts that went into making decisions at every process step to establish WisDOT's permanent record and to aid with any possible appeals. The items below should be entered and stored in SHAPES (not an all-inclusive list):

a. **Right to apply.** A determination of whether the applicant had the right to make an application for a STH connection. If s/he does not have that right, the application is summarily dismissed and returned.

b. **Type of connection requested.** Commercial, residential, agricultural, etc. On what is that based, i.e., traffic types and volumes, land use, zoning, rezoning?

c. **Exact connection location.** The applicant needs to specify where they are applying for a connection. This includes the distance from other intersections, obstructions, etc. Do not guess or speculate where the location *might* be.

d. **Number and types of vehicles using the connection.** How many trips per day? If trucks will be using the connection, what is their configuration (delivery trucks, semis, etc.)? What is the percentage of cars versus trucks using the connection? Will it increase as the business grows?

e. **Highway condition details.** Any important findings related to the decision-making process that involve items such as:

   1. **Site reviews**: location verification, checking culvert sizes under existing connections on either side of the connection, sight distance measurements, obstructions (tree branches, signs, fences, horizontal curves), foreslope/backslope measurements

   2. **Visual aids**: maps, pictures, videos, or drawings used to illustrate the physical properties of an area

   3. **Inspection(s)**: record of site visits both during and after construction especially if there are any unresolved issues

f. **Correspondence.** Letters, emails, phone call records, and face-to-face (or Teams) meeting records. Convert recorded conversations and voicemails to transcripts upon request.

g. **Applicant submitted materials.** Initial application signed by the applicant plus all supporting materials (deed, CSM, subdivision plat, zoning certification, form DT1248, sketches/drawings, etc.).

h. WisDOT notes. Include any WisDOT notes that were used to record information about the connection whether entered directly into SHAPES or scanned hand-written notes.

Using SHAPES allows for electronic file transmittals. With appeals, create an index for all pages using Bates numbering for easy reference.

4.0 STH Permitting using SHAPES

Use SHAPES to receive, process, issue, deny, or dismiss STH connection permit applications. This ensures that WisDOT has an accurate database for its connection permits and access management related records.

When a paper copy of the application is received, assist those customers without computer access by manually inputting data into SHAPES from the paper copy. See HMM 09-10-15 Table 1 for instructions. A SHAPES-generated copy must be sent back to the customer for their signature, which verifies that the information on the permit application form is correct. When the customer sends back the SHAPES copy, scan it into the system. If a permit is issued, print a copy from SHAPES, and send it to the customer via regular mail. All customer copies should be made in color to call attention to the various text and graphics that are also in color on the form.

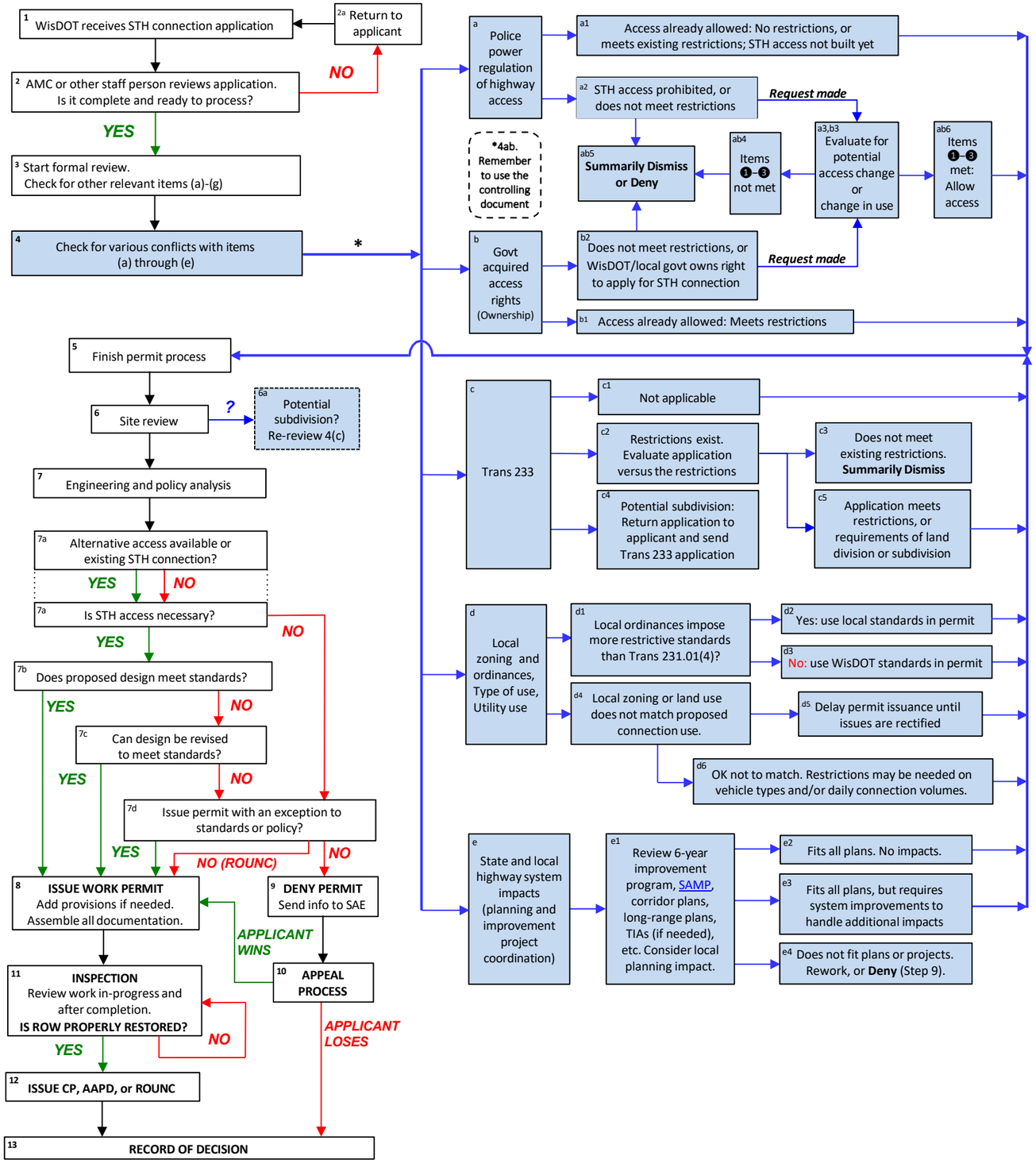
Additional details on using SHAPES and its functions will be detailed in HMM 09-10-35.

SHAPES will be replacing the Highway Access Management System (HAMS). ★*All policies and guidance referencing SHAPES in this document will be active upon implementation, which is projected to be January 2027. Until then, staff should continue using HAMS as applicable.*★

1. **WisDOT receives a STH connection application** from a property owner (or their authorized representative), person with a *bona fide interest* in the property, or local government representative.
2. **Initial review.** Region access management coordinator (AMC) or engineer reviews application for completeness and form type/date (paper copy).
   a. Return to applicant if information is incomplete, in error, or missing
3. **Start formal review**. Check for:
   a. Past permits, requests, and other electronically stored information
   b. Property records including CSMs, subdivision plats, deeds, and instruments in the title record, and especially highway conveyances
   c. County GIS sites for parcel ownership, lot size/shape/area, and compare with submitted property deed
   d. Existing zoning/land use to ensure consistency with the application
   e. Historical paper files
   f. Existing access in the area. Use County GIS, Google Earth, PathWeb (ArcGIS photolog), etc. Make aerial map(s) for site review as needed.
   g. Once application is complete, send to local unit(s) of government **if** their input is desired before decisions are made
4. **Check for various conflicts with items (a) through (e)**
   See right-hand column
5. **Finish permit process** after the step 4 reviews have been completed and if the application has not been summarily dismissed or a permit denied.
6. **Site review.** Check existing site conditions to assist with step 7b. Meet with applicant (and property owner if not applicant) if needed. Include local officials if appropriate.
   a. Check for a potential subdivision during the site review even if it was not disclosed with the initial Trans 233 review. Determine whether site conditions differ from information submitted with application.
7. **Engineering and policy analysis.**
   a. Determine whether STH access is necessary and whether alternative access (local road, shared access with or across another property, etc.) is available. If alternative access **is** available, the region may direct applicant to use it rather than obtain a STH connection based on WisDOT access management (AM) policy and Trans 231.03(2). If alternative access is available and the property has an existing STH connection, the region must decide if another STH connection is necessary and fits AM policy, i.e., would it benefit the applicant *and* benefit and/or not adversely affect the traveling public?
   b. Evaluate proposed design for standards such as sight distance (horizontal and vertical curves), spacing from other connections, vision corners, radii, turn lanes, drainage, AADT, posted speed limit, crash history, etc. Complete details of all expected vehicles using the proposed connection must be provided (i.e., types, volumes, duration, etc.). If a more in-depth internal access review or a TIA is necessary, ensure the design includes WisDOT required system improvements.
   c. Work with applicant and local officials if needed to determine whether a revised design can be achieved that meets WisDOT and local government standards and applicant's needs. (While local government approval isn't required, if local officials will deny the applicant a building permit or other approvals, the applicant may want a solution that meets both WisDOT and local requirements.) WisDOT's permit cannot supersede more restrictive requirements imposed by valid applicable local ordinances. Trans 231.01(4).
   d. Analyze situation to determine whether a permit should be issued with an exception to standards or policy (3.7.4) or issue ROUNC.
   ➡ **A region access team review meeting may be needed**.
8. **Issue Work Permit** if the proposed connection meets law, standards, and policy, an exception is granted or is needed with ROUNC issuance. Check DT1504 supplemental provision boxes and add special provisions as needed. Include all documentation that comprises the permit.
9. **Deny permit** if the proposed connection cannot meet law, standards or policy, and an exception is not granted. File information and copy the Statewide Access Engineer (SAE). Ensure denial letter includes required discussion of appeal rights.
10. Applicant may **appeal** WisDOT's decision under § 86.073 if a permit is denied (3.10). If applicant wins appeal, a permit must be issued.
11. **Inspect** each STH connection to ensure permit and policy compliance.
12. **Issue Connection Permit, Documentation of Authorized Access Point**, or **Record of Unpermitted–Nonconforming Connection** only after ROW has been properly restored.
13. In SHAPES, document decisions made at every process step whether an application is approved, denied, or dismissed. The final connection permit, AAPD, or ROUNC also comprises the record of decision.

Note: Self-explanatory steps have been omitted to allow space for other steps.

A1: STH CONNECTION PERMIT APPLICATION PROCESS FLOWCHART



4ab. Access controls: 4(a) Police Power and 4(b) Ownership
If police power or property restrictions allow STH access, follow the regular process in 3.0 to review a permit application for a new STH connection.

a. Common forms of police power are §§ 83.07, 84.25, 84.29, 84.295 and 86.07(2)(a). No guidance is written for § 84.29 since permits are not issued for direct interstate access.

a1. If there are no access restrictions on the property, § 86.07(2)(a) may be used. If the application meets §§ 84.25/84.295 restrictions, then follow permit process.

a2. For § 84.25 or § 84.295, the property:
- has restrictions that prohibit STH access
- does not allow a landowner's permit request due to certain conditions, or
- existing restrictions allow access except the proposed connection use type does not correspond with documentation on the deed.

For § 86.07(2)(a), existing WisDOT permits document that the proposed connection or a change in use would violate existing permit conditions (restrictions).

a3. *Upon request*, review the application to determine if existing access restrictions may be changed. Use steps 6 and 7 as needed. Access may be allowed if all three below are met:
❶ Engineering standards (or a minor exception of standards is allowed),
❷ No adverse impacts (safety, mobility, etc.) to STH/local road systems, and
❸ Creation of a STH system betterment and related public benefit.
With §§ 84.25/84.295, access modifications to the plat are required.
With § 86.07(2)(a), an exception to standards or policy is required.

b1. WisDOT often acquires access rights under § 84.09.

b2. A property has access restrictions, or WisDOT/local government, rather than the property owner, owns the right to apply for a STH connection from abutting lands when:
- State or local government acquired access rights from the property owner
- A new road/street is constructed upon fee title lands on a new alignment and the government unit did not allow any access rights to accrue to the abutting lands
- Dedication was created in a subdivision plat
- Covenants that were conveyed to the government (often as a condition of a permit)

These items are real estate interests and are treated differently than the items in 4a.

b3. Use a3. With covenants, ensure there is no conflict with its original (or revised) purpose. When WisDOT owns all access rights, they must be sold using real estate processes to the abutting landowner before any permit application may be accepted or acted upon. The owner may need to pay WisDOT fair market value for the rights. If a county or local government acquired the access rights, the owner must acquire the right to apply for a permit from that government unit before it can apply for a WisDOT permit. FHWA may require WisDOT to repay federal funds if they were used to acquire access.

ab5. If there is no request, or after evaluating existing access restrictions items ❶-❸ cannot be met, do not issue a STH connection permit. Summarily dismiss application and return it to applicant with §§ 84.25/84.295 or deny with § 86.07(2)(a). Document in Step 13. If a connection exists, determine if a permit was issued in error or illegally built. Either way, take steps to remove or at least block access to the connection unless directed by upper management and/or OGC. 09-10-30, 5.5

4c. A Trans 233 review may apply if the property was part of a land division or assemblage between 2/1/1999 and 1/28/2004, or a subdivision at any time. Review Trans 233 records to determine if there are any access restrictions on the property with regards to new or existing connections. See FDM 7-50-1.

c2. Coordinate with region's Trans 233 coordinator. Hold DT1504 application if needed.

c4. If the application involves a subdivision, send applicant a Trans 233 application. Hold DT1504 application until Trans 233 review is done.

4d. Review local zoning and ordinances, which may affect WisDOT permitting decisions, and review the types of use for the proposed connection and the existing land. Review 2.4 for utility use (e.g., solar farm) on ag lands, which is usually not inconsistent with ag use.

d1. Determine if local ordinances impose more restrictive standards

d2. Use appropriate standards in permit. Standards may be mixed, e.g., using a smaller width

d3. for a local commercial connection and WisDOT spacing requirements.

d4. Evaluate if zoning or land use does not match proposed or potential connection use.

d5. If there are rezoning issues between applicant and zoning authority, or applicant or local government has not committed to building necessary infrastructure, then delay permit issuance until issues are rectified.

d6. It may be appropriate for zoning and land use not to match connection type, e.g., land abutting a § 84.295 designated expressway that is zoned commercial but has agricultural use. A connection may need restrictions such as low AADT, which preserves highway safety and mobility by reducing the number of conflicts at the authorized access point.

4e. State and local highway system impacts.

e1. Review listed items to determine impacts. Depending on proposed connection complexity and developments, consult county safety committee, PDS project manager, maintenance staff, traffic engineers, planning staff, etc. to obtain their comments and concerns.

e2. Application fits all plans. No impacts to state/local highway systems.

e3. Application fits all plans, but improvements are needed on either state and/or local highway system(s) to minimize congestion and user delay, e.g., adding turn lanes. Work with local officials as needed.

e4. Rework with applicant if possible. If not, deny (Step 9)