



1.0 General Policy

Conditions may be placed on STH connection permits approved under Wis. Stat. s. 86.07(2) and Trans 231 to assist WisDOT with effective access management of the STH system. Conditions are also known as provisions, special provisions or supplemental provisions. A list of standard supplemental provisions is in [4.0](#).

2.0 Specific Conditions

WisDOT staff must review each permit application to determine if any conditions should be included with permit approval. The reasons for each proposed new connection, alteration, or relocation must be evaluated along with how WisDOT is managing access within the affected STH corridor. The following are examples of the types of conditions that may be used, but is not meant to be an all-inclusive list.

1. **Type of use.** A category that correlates a connection to the property it serves and how it functions. This may be critical when:
 - Development is fast approaching an area – especially when it is in a transitional region between urban and rural areas
 - There may be a proposed sale of a property
 - A driveway should only be used for hunting or other seasonal activityA list of the types of use and their definitions is in [09-10-20, 2.0](#).
2. **Covenants.** These are discussed in [3.0](#).
3. **Maximum number of trips per day.** This is especially useful when trying to preserve STH traffic flow (capacity), or providing access to a property in a substandard location because of geographic or other physical boundary barriers.
4. **Type(s) of vehicles.** For example, restricting use to cars only, or vehicles up to a certain length.
5. **Highway improvements needed.** A specific intersection type, bypass lanes, signals, etc
6. **Restricted turning movement(s).** Right-in, right-out (with or without medians), or medians that allow left turns into a connection, but do not allow left turns out.
7. **Directional movements.** Entrance only; Exit only.
8. **Shared.** Useful for access consolidation when two property owners can share a driveway along a common border, or if one owner can obtain a permanent access easement through the other's property to use a driveway.
9. **Temporary.** A connection that will not be permanent to a STH. Typically, this may be up to six months. Examples include:
 - A road or driveway that will only be used for harvesting timber during a specified time period, and will be removed when that period has expired
 - A driveway used for a special event such as Farm Progress Days
 - A driveway or road used only during construction of a home, business, or other facility
10. **Design features.** Includes side-slopes, gradients, drainage, culvert size, apron end wall bars, etc.
11. **Removal of an existing driveway.** This is useful for the consolidation of STH connections, for example, removing horseshoe driveways.
12. **Hours of operation.** This is helpful when connections should be used only for non-peak traffic hours or for a special event.

13. **Emergency use only (gated and non-gated).** Typically used for police, fire, and EMS only. When public access to a driveway must be prevented, a locked gate may also be used. When an emergency access is needed for a subdivision (typically through the end of a cul-de-sac), a special concrete-grid system may be installed under the grass to support heavy fire equipment. If the STH has curb and gutter, a curb-cut is not installed. This emergency driveway is hidden to the public.

It is also possible to place conditions on a permit approval that combine various provisions, and/or would go into effect in the future should certain criteria be met. For example, a provision may state that,

The STH 33 median opening will be closed at the permitted connection and the connection restricted to right-in, right-out movements when the left turning movement into the connection is 500 AADT or more, the left-turning movement out of the connection is 500 AADT or more, or the STH 33 AADT is 5,000 or more. Construction of the closure and its associated costs shall be the permittee's responsibility. WisDOT may block the median with temporary barriers should the permittee fail to take proper action after receiving written notice from WisDOT. Continued delay may also result in permit revocation.

3.0 Covenants

A covenant is a specific condition that may be placed on a property in association with a STH connection permit or other access management action. Within the document itself, a covenant may contain one or more distinct access restrictions. The advantage of a covenant is that it is recorded against the property. A future owner of the property may not make any changes to a connection that has a covenant unless s/he obtains WisDOT approval and records a new covenant.

3.1 Covenant Usage

Covenants are a critical access management tool when attempting to preserve the traffic flow, capacity, or safety of a highway corridor. As a pattern of development approaches a property, restricting access through a covenant insures that a change of use will not occur without WisDOT approval. This is important when there may be an impending land sale. Covenants may also be necessary when trying to limit or consolidate access via a shared connection.

The table on the next page details criteria that when present, WisDOT staff should consider whether or not a covenant should be required as a condition of STH connection permit issuance. While intended to be as complete as possible, criteria not listed may also be considered if staff feel that there are compelling reasons to do so.

3.2 Covenant Language

Language for a covenant should be as detailed as possible. Typically, it covers the number, location, and type of connection(s) along with other parameters that may be necessary. Requiring a vision triangle on each side of a connection is another type of restriction that may be covered with a covenant. Listed below is a sample of actual language used in a covenant:

No direct vehicular access shall be permitted between the above-described lands and USH 45 except by means of one residential access point in the north 100 feet of said Lot 1 and also by means of one residential access point in the north 100 feet of the south 800 feet of the southeast ¼ of the southeast ¼ of said section 29. Each access point is restricted to one single-family residence only. Any change in use will require application for a new permit and said driveway may be subject to removal at the cost of the property owner.

Never use the words “right of access” or “access rights” in permit or covenant language. A permit does not grant a right, but rather grants permission for a STH connection to exist. Do not place setback restrictions within a covenant. WisDOT should be aware of and defer to county and/or local setback restrictions where they exist.

A2: Criteria for Pursuing Access Restrictions in a Permit Using a Covenant

Based on region analysis, the presence of any of the bullet points below may require an access covenant.
SAMP = State Access Management Plan

STH Corridor SAMP Type / Functional Classification		
SAMP Tier 1: Principal Arterial	SAMP Tier 2: Minor Arterial	SAMP Tier 3: Major Collector ¹
<ul style="list-style-type: none"> No ss. 84.25 or 84.295 controls exist On Corridors 2030 Backbone/Connector Route 	<ul style="list-style-type: none"> No §84.25 controls exist Reliever route for freeways and expressways OR if corridor provides service between economic centers AADT exceeds 2,000 vehicles/day³ 	<p><u>RURAL</u></p> <ul style="list-style-type: none"> An adopted Corridor Plan² is in place for the given corridor Local Comprehensive Planning efforts infer the need to protect local interests Safety: if conditions mandate the need for greater control
<p>The following bullets apply to both Tier 1 and 2</p> <ul style="list-style-type: none"> s. 84.09 documents (deeds) do not specifically maintain the appropriate level of control relative to the function of the corridor⁴ An adopted Corridor Plan² is in place for the given corridor Local Comprehensive Planning efforts infer the need to protect corridor interests Presence of a Major or reconstruction project in 6-year improvement or long-range plan Where development pressure is increasing, for example, within the extraterritorial jurisdiction of a town through a village or city Pattern of development is approaching subject property (regional development pressure) Long property frontage exists on a STH Safety issue(s) relative to remaining frontage on STH (post land division) 		<p><u>URBAN</u></p> <p>Urban Collectors should receive greater attention only if safety or functional integrity is threatened by large-scale development.</p> <p>Decision should be made based on guidance found in the FDM and/or HMM, but use flexibility where regional or site-specific conditions warrant.</p>

Key to notes:

- Highly important. Major RURAL collectors are roads with very low AADT, and do not have a high priority in a region's 6-year program. Do not treat them with the same level of regulatory attention as routes in higher functional classes. URBAN Collectors are different. In most cases, spacing concerns become difficult, if not impossible, to mitigate given past connection approvals. Protect the safety and preservation of the existing corridor especially in light of limited improvement dollars.

Collectors are mostly viewed as roads that WisDOT would rather have local governments own/maintain. WisDOT considers it a long-term goal to release as many of these roads as is practicable. Until that occurs, achieve or maintain balance between the need to preserve functional integrity and safety of these corridors with how access use is actually occurring.

- A corridor plan is generally defined as a plan that:
 - Features a completed EA or FONSI relative to future, programmed relocation or capacity expansion, or
 - Is slated to be included in WisDOT's Improvement Program within the next 10 -15 years, or
 - Has a signed MOU or local agreement in place defining an agreed access management plan. This could be utilized in urban areas where no capacity expansion is scheduled within near future, but long-term growth potential is obvious, or
 - Is initiated by a region. The product of which provides long-term planning between WisDOT and other units of government and a blueprint for development within the context of potential WisDOT corridor improvements -- preferably producing a planning document.
- This is the same threshold set forth in s. 84.25 for the promulgation of an access control project. This sets statutory precedent for such a value requiring the need for access restrictions.
- For example, a deed may show that a "private" entrance is allowed but does not clearly identify its use.

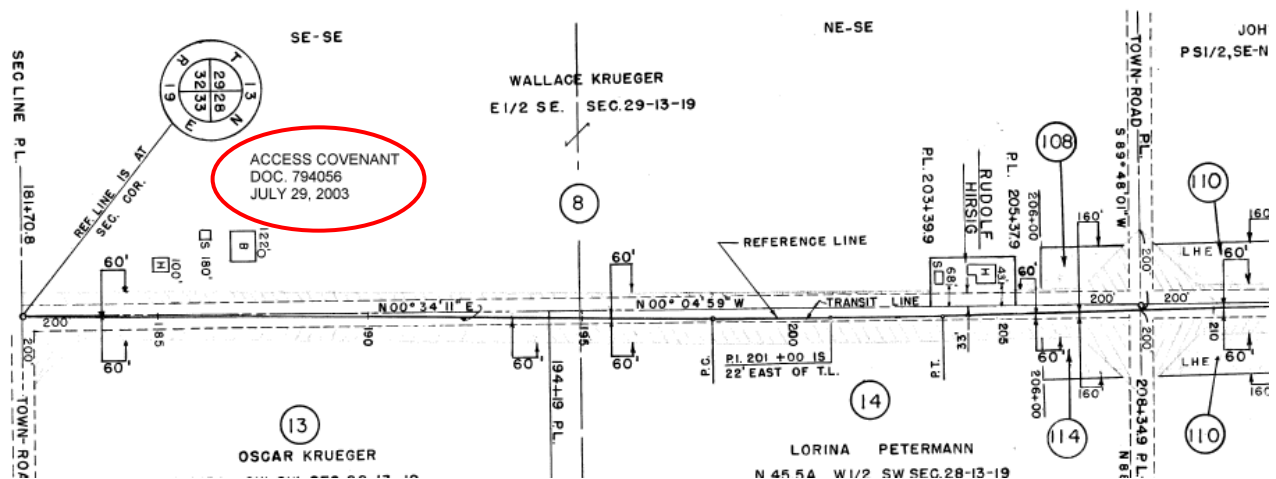
3.3 Covenant Forms & Instruction

Use a [DT1646 Access Covenant \(Permit\)](#) or [DT1669 Access Covenant \(Subdivision\)](#) form to complete covenants. The Region develops the language for the restrictions that will be placed in the covenant. In addition to filling out the blanks on the official form, the Region may add additional language as needed.

The property owner must review the completed form. If agreeable to its content, the owner and a Region access management representative sign the form in front of a Notary Public, which may be a WisDOT employee. The property owner then has the covenant recorded at the county Register of Deeds office and is responsible for paying the nominal filing fee. When officially recorded, the Register of Deeds will send the completed form back to the Region office. Until then, do not issue a permit.

Note that the property description on the form must be correct. If not, the Register of Deeds will return the form to the Region. The Region would then have to resubmit the form and pay a subsequent filing fee. Before the final draft document is signed, a real estate agent, registered land surveyor or professional engineer should review it.

The covenant is also recorded on a WisDOT plat (example below). The Region access management representative sends the completed covenant to the region plat specialist.¹



4.0 Standard Supplemental Provisions

Conditions may be placed on STH connection permits approved under Wis. Stat. s. 86.07(2) and Trans 231 to assist WisDOT with effective access management of the STH system. Conditions are also known as provisions, special provisions or supplemental provisions.

In this section, a list of standard supplemental provisions has been developed from provisions common to the numerous permits WisDOT has issued over the years. As WisDOT staff review STH connection permit applications, they should also review the list provided below to determine if any of the standard supplemental provisions should be included with the approved permit. If necessary, a situation that is unique to a STH connection permit should be handled by writing a special provision for that permit.

The following list is not meant to be all-inclusive and may be modified as needed. The provisions are grouped by categories and numbered for reference. The acronym ROW stands for right-of-way.

¹ This may be difficult with transportation project plats.

4.1 Work Site

1. **Permit On Site.** The permittee shall provide the work site manager or supervisor of the permitted work(s) with a copy of this permit and is responsible to ensure that this person is familiar with all of the permit's details and requirements. A complete copy of the permit (either paper or electronic) shall be in the possession of the work force at all times while the work is being performed within the ROW.
2. **Work Site Conditions.** The permittee shall regulate vehicles, equipment and materials to ensure consistently safe work site conditions. Particular care shall be exercised at all times to ensure a safe traffic environment at and near the work site. These requirements pertain whether the work operations are active or inactive. Any discovered violation of this permit – particularly any failure to maintain a safe traffic and general public environment – shall require an immediate cure by the permittee of the fault discovered. It also may result in an order by WisDOT to stop further progress of the work, and potential permit revocation permit and expulsion from the highway ROW.
3. **Work Site Safety.** Operations and safety precautions pertinent to any trenching, tunneling, or excavation activities shall comply with the strictest requirements of all applicable regulations and codes, including, but not limited to, those of the Wisconsin Department of Workforce Development.
4. **Work Site Security.** The permittee is responsible to ensure that the construction site is secure against any public hazard, both when the site is attended and during off-hours, any holiday, and nighttime hours when the site is unattended.
5. **Right-of-Way Use.** No vehicle, equipment or material relating to the permitted work shall be parked or stored within the highway ROW limits except such that are actively engaged in the work operation.

4.2 Notifications

1. **WisDOT Facilities Marking.** The permittee shall contact the regional transportation office at _____ NOT LESS THAN 3 WORKING DAYS prior to the start of the permitted work to arrange for a WisDOT representative to locate and mark the existing electric facilities that may not yet be on Diggers Hotline. No work under this permit shall be done prior to the WisDOT representative's arrival.
2. **Pre-Start Inspection.** The permittee shall contact the regional transportation office at the address and telephone number provided to arrange for a WisDOT representative to inspect the work site. No work under this permit shall be done prior to his/her arrival.
3. **Ongoing Work Inspection(s).** The permittee shall notify the regional transportation office at the address and telephone number provided – prior to the completion of the authorized work and at a time that enables WisDOT personnel ample opportunity – to inspect the work before the permittee's contractor and/or employees leave the site.
4. **WisDOT Highway Project Coordination.** The permitted work shall be coordinated, and in no case interfere, with any highway improvement project being undertaken at the same time. When necessary, the permittee shall contact the WisDOT project manager, _____, at _____.
5. **Completion Notice.** Upon completion of the work and restorations, written notice shall be filed within 10 calendar days with the authorized WisDOT representative who approved the permit.

4.3 Restrictions

1. **No Lane Closures.** All operations shall be performed without obstructing or closing all or any part of a highway traffic lane unless specifically authorized in this permit.
2. **No Blasting.** Blasting within the limits of the state highway ROW is expressly prohibited.
3. **No Median Use.** Any disturbance to, operation within, or use of a highway median is expressly prohibited, unless specifically authorized by WisDOT.

4. **No Freeway Access.** No direct access for the installation, maintenance or repair of the permitted facility shall derive from the travel lane or shoulder of any freeway, nor from any interchange ramp, except access rendered imperative by an actual emergency. In the latter event, the permittee shall contact the Wisconsin State Patrol and regional transportation office as soon as possible.
5. **No Land Rights.** The permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement in highway ROW.
6. **Work Time Restrictions.** Holiday and seasonal work restrictions apply to this permit. The permittee shall obtain a copy of the applicable restrictions from the regional transportation office identified on this permit.
7. **Connection Only.** This permit only authorizes the connection to a state trunk highway (STH). It does not authorize the use of STH ROW for other facilities, for example, utility facilities that would serve the same property. This permit does not cover permits that may be needed by the permittee from other state and local authorities.
8. **Connection Location.** Any part of the permitted facility found to be in a different location than authorized may be subject to correction by the permittee at his/her cost to the extent specified by WisDOT. Any facility or part thereof that is located other than as the permit defines occupies said location solely at the permittee's risk. Accordingly, if the same is undetected or is suffered to remain in variance to the permit, the permittee agrees to hold the State, its employees, agents and officers harmless and free of any cost, claim or liability associated with any accidental damage to such facility which may result from a highway construction, maintenance, traffic control, access control or ROW management function.

4.4 Construction Methods & Practices

1. **WisDOT Standard Specifications.** Construction methods and restorations shall be in accordance with applicable parts of WisDOT's [Standard Specifications for Highway and Structure Construction](#), current edition.
2. **Traffic Control.** All work zone traffic control shall conform to the [Wisconsin Manual of Uniform Traffic Control Devices](#), current edition. The permittee shall be responsible to provide and maintain proper work zone traffic control to protect people and property from injury or damage at all times and under all conditions, including changing conditions. Warning signs, devices and methods shall be in place and functional prior to the start of the permitted works within the limits of the highway ROW, and shall protect the public until all said works are complete.
3. **Erosion Control.** The permittee shall ensure that proper erosion control best management practices (BMPs) are implemented prior to and at all times during work operations. The permittee shall also be responsible for providing and maintaining erosion control BMPs to protect all restored areas upon completion of the permitted works until the replacement vegetation has achieved sustained growth.
4. **Backfilling.** Any excavation authorized within the limits of any highway pavement or shoulder area shall be backfilled with suitable granular material, placed in lifts or layers 12" or less each in depth, and mechanically compacted to the density of the adjacent undisturbed material. Water jetting and the use of excess water to facilitate mechanical compaction are strictly prohibited. Any subsequent heavings, settlements, or other faultings attributable to the permitted works shall be repaired to WisDOT's satisfaction at the permittee's expense as soon as possible. Temporary sheeting and shoring shall be used as necessary to prevent soil cave-ins.
5. **Appurtenances.** The covers of manholes, shut-off and regulator valves, and like facilities shall be adjusted to the level of the immediately adjacent grades.
6. **Utility Facilities Protection.** The permittee shall be responsible to obtain the location of, and protect or cause to be protected from any damage, any utility facilities in the area that may be affected by the permitted work. All notifications to others are likewise the permittee's responsibility.

4.5 Restoration

1. **Restoration – General.** All highway facilities disturbed by the permitted works or associated operations shall be restored promptly. If restoration is not accomplished voluntarily, without delay, WisDOT may issue a notice setting a deadline by which the restoration must be completed. If the permittee fails to satisfactorily complete all restoration by the deadline, WisDOT may arrange directly for all needful restoration. The permittee shall be responsible for all costs associated with the restoration and any corresponding arrangements. Those costs may be tripled under the authority of [Wis. Stat. s. 86.02](#).
2. **Restoration – Slopes.** Smooth and finished slopes shall be constructed at any location where any re-graded portion of the highway ROW meets the lands of the adjacent property owner.
3. **Restoration – Roadway.** Any curb, gutter, sidewalk, driveway, gravel base, ballast or shoulder material, or other element of the highway ROW or facility disturbed by the permitted works shall be restored in kind to the qualities, grades, compactions and conditions at least equal to those prior to the permitted work operations and all to the satisfaction of WisDOT.
4. **Restoration – Turf.** Any turfed area of the ROW disturbed by the permitted works and operations shall be restored with fine-graded topsoil having a depth of not less than 4 inches, and reseeded to perennial grass, or sodded to the satisfaction of WisDOT.
5. **Restoration – Waste.** Any trimmings, trash or waste materials resulting from the permitted works shall be promptly removed from the highway ROW.

4.6 Trees/ Vegetation

1. **Trees / Vegetation – Trimming.** Trimming is limited to only that which is necessary to achieve safe clearance. This permit does not authorize clear swath cutting.
2. **Trees / Vegetation – Cutting Authorization.** No trees or other vegetation shall be cut, trimmed or damaged to facilitate the installation or maintenance of the permitted facility except as authorized by the owner of the trees or other vegetation. See Wis. Stat. ss. [86.03\(2\)/\(4\)](#), [86.16\(3\)](#), and [182.017\(5\)](#). Non-target trees and other vegetation shall not be damaged.
3. **Trees / Vegetation – Pre-Removal Inspection.** Trees and other vegetation authorized for removal shall be surveyed and inspected jointly with a WisDOT representative prior to any work beginning on the highway ROW.
4. **Trees / Vegetation – Disposal.** Disposal of cut trees and other vegetation shall be off the ROW in accordance with applicable solid waste disposal regulations. If authorized by WisDOT, the permittee may convert the cuttings into mulch and spread it over restored turfed areas. Mulch depth shall be sufficient to not damage existing turf or prevent seed germination in restored areas.
5. **Trees / Vegetation – Installation.** All furnished plants shall either be balled and burlapped or container grown. Trees and other vegetation may be installed only in the locations and of the species indicated on the attached plans or as specified by WisDOT.
6. **Trees / Vegetation – General.** WisDOT accepts no responsibility for loss that may occur to the trees/vegetation. The permittee shall be fully aware that the trees/vegetation are subject to mortality, thinning, normal hazards due to maintenance operations, snow control, and public utility installation or alteration, trimming or removal if and when the trees/vegetation cause restrictions to sight distance or hazardous snow and ice conditions on the highway, possible destruction should reconstruction of the highway be undertaken, and possible partial or complete abandonment or obliteration or return to private ownership if future changes in highway location should be made.

7. **Trees / Vegetation – Signs.** No sign or marker identifying the plantings may be placed within the limits of the highway ROW.
8. **Trees / Vegetation – Maintenance (by Permittee).** Maintenance of plants shall consist of thoroughly watering each individual plant at 10-14 day intervals, pruning, tightening braces and guys, retying wrapping, re-mulching and any other work necessary to keep the plants in a neat appearance. Maintenance shall commence upon completion of the planting. For plants planted prior to June 1, maintenance shall continue until mid-October of the year in which they are planted, then resume in late April/early May of the succeeding year, and continue until mid-October of that year. For plants planted after May 31, maintenance shall continue until mid-October of the year in which they are planted, then resume in late April/early May, and continue until mid-October of the **two** succeeding years. At the end of this establishment period, wrapping and bracing and guying materials shall be removed from all plants except those that have been recently replaced.
9. **Trees / Vegetation – Maintenance (by WisDOT).** WisDOT agrees to provide reasonable care and maintenance of the plantings to the extent of its usual and customary procedure in relation to any and all roadside vegetation.

4.7 Miscellaneous

1. **Highway Operations.** If, in the opinion of WisDOT, the permitted works or facilities obstruct highway drainage, unduly increase the difficulty of highway maintenance, or in any other manner adversely affect a highway interest, the permittee shall, upon notice, cure the fault as directed and restore the highway facility to the satisfaction of WisDOT.