



Highway Maintenance Manual

Bureau of Highway Maintenance

Chapter 9 Right-of-Way Use & Permits

December 2010

Section 15 Utility Accommodation

Subject 55 Erosion Control & Stormwater Management

1.0 Authority

Under Wisconsin Administrative Rule [Trans 401](#), a utility shall assure that proper erosion control and storm water management measures are implemented at all times during work operations. The utility shall also be responsible for providing erosion control and storm water management measures to protect all restored areas upon project completion until the replacement vegetation achieves sustained growth.

2.0 Implementation

WisDOT has divided utility operations into two categories – minor and major – for the purpose of determining erosion control and storm water management plan requirements. When submitting a permit application, check the appropriate box in question 16 for the category that the proposed operation belongs. Based upon the information submitted, the region utility permit coordinator has the option to change the category.

If a change becomes necessary, the utility has a couple options. If the change is from the minor to major category, the utility may elect to submit an erosion control plan. It could also amend, or revise and resubmit its permit application provided a change in work methods that could put the utility operation into the minor category. If the change is from major to minor, the utility may still use its proposed erosion control plan.

3.0 Major Projects

Major projects are defined as excavations that will not be restored in the same day or immediately the next day. Examples of utility projects that may fall under the major category include, but are not limited to:

- 1) Grading on R/W.
- 2) Large, open pavement/shoulder cuts.
- 3) Large boring operations and boring pits.
- 4) Trenching operations.
- 5) Any project adjacent to a waterway which is not classified as "routine" under the DNR Waterway Crossings Agreement.

3.1 Specific Guidelines

Specific guidelines for proper erosion control and storm water management are contained in Administrative Rule Trans 401. Some key elements of this administrative rule are highlighted as follows.

[401.07] A utility shall submit an erosion control plan along with its permit application. The plan may be either in written or pictorial format, or both formats. A utility may use WisDOT's [FDM Chapter 10](#) as a guide in the proper selection, installation, and maintenance of erosion control and storm water management measures. Standard Detail Drawings for some erosion control devices are also available in [FDM Chapter 16](#). Joint WisDOT/utility field meetings may also be needed to review proposed erosion control and storm water management plans.

[401.09(1)] All required erosion control and storm water management measures shall be installed at the job site prior to the commencement of work. The utility shall notify WisDOT at least 24 hours before the installation of the measures.

Comment: It is evident that with minor projects, there is no need for a utility to have erosion control and storm water management measures in place prior to the start of construction. Therefore, prior notification to WisDOT is not required.

[401.06(2), 401.09(1)] After the installation of the permanent erosion control and storm water management measures is completed at a site or when the temporary erosion control and storm water management measures are no longer required for their intended purpose, the utility shall remove all temporary erosion control and storm water management measures. A utility should be aware that after the installation or alteration of a facility, a considerable amount of time (e.g. one to three months) may lapse between restoration of the right-of-way and removal of temporary erosion control measures. WisDOT will not consider a utility project to be "final" until the right-of-way has been restored and all temporary erosion control measures have been removed. Failure to remove temporary erosion control measures shall be handled under the guidelines listed in [HMM 09-15-10](#).

[401.09(2)(b)] After completion of construction activities and the installation of permanent erosion control and storm water management measures, the utility shall promptly notify WisDOT which will render an inspection of the site. The purpose of this inspection is to ensure that all permanent erosion control and storm water management measures are adequate and functioning properly.

[401.10(2)(b)] In the case of a project not administered by WisDOT, [inspections shall be performed by an inspector] at least once per week during the time construction or maintenance activity is being pursued on a project site.

[401.04(14)] "Inspector" means an employee or authorized representative of WisDOT assigned to make inspections.

WisDOT authorizes a utility to perform the once per week inspections required for a major project. The utility shall maintain a written record of the inspections and keep those notes on file for at least three years along with the utility's permit.

4.0 Minor Projects

WisDOT is aware of various utility operations that disturb minor amounts of soil or, in fact, no soil. These "minor" projects shall not require a formal erosion control plan; however, a utility shall follow the guidelines listed in the next section. Minor projects are defined as excavations that will be restored in the same day or immediately the next day. Examples of utility projects that may fall under the minor category include, but are not limited to:

- 1) Overhead crossings
- 2) Pole installations
- 3) Plowing operations
- 4) Trenching operations
- 5) Any project adjacent to a waterway, which is classified as "routine" under the DNR Waterway Crossings Agreement.
- 6) Hand digging
- 7) Small boring operations
- 8) Small open pavement/shoulder cuts

The DNR defines "routine" water crossings as commonly simple plowed-in or directional bored crossings.

4.1 Specific Guidelines

The utility shall respond to any soil disturbance by promptly replacing the soil and topsoil and/or temporary seeding and mulching the soil. This includes repairing equipment and vehicle tracks that also may disturb soil.

Erosion control devices such as hay or straw bales and silt fence shall be present at the job site or be immediately accessible in case changing weather conditions force a utility to take immediate action to protect bare or loose soil. Soil piles left overnight shall be covered or protected with silt fence etc., to prevent possible runoff.