



FDM 7-10-1 Overview

July 28, 2011

According to section 990.019 (5r) of the state statutes, a controlled access highway is defined as a highway on which abutting property owners have no right, or only a limited right, of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities. Access is controlled by prohibiting entrance to and departure from highways except at specifically designated places. Access control can be established during the design of the facility by limiting the type and number of intersecting roads and driveways, or it can be obtained on existing roadways through the methods described below.

The following is a brief overview of the methods of access management and control which will be discussed in greater detail in subsequent sections of this chapter. (There are numerous documents involved in establishing and managing access controls. [Attachment 1.1](#) lists recordable access control forms and the uses of each. [Attachment 1.2](#) lists all access-related documents and pertinent information about each.)

1.1 Administrative Access Control

See [FDM 7-15-1](#) for more information on this subject.

Access control under state statute 84.25 authorizes the WisDOT Secretary to designate as controlled-access highways, rural portions of the state trunk highway system on which the existing or projected ADT exceeds 2000 vehicles within the next 20 years. When this is done, access is "frozen" and future alterations to access require department approval. A public hearing held by WisDOT is required, followed by a Finding, Determination and Declaration. Private driveways, streets and highways are prohibited from opening into or connecting with any controlled-access highways without previous written consent and approval of the department.

1.2 Purchased Access Control

See [FDM 7-20-1](#) for more information on this subject.

Wisconsin law provides that any lands or interest in lands needed for highway purposes be acquired by the department in the manner provided in state statute 84.09. While access rights alone may be acquired, such rights are normally acquired in conjunction with the purchase of right-of-way for a highway construction project.

Given the need to control access on a given segment of highway, the purchase of access rights under section 84.09 is typically employed when:

- new or additional lands are being acquired;
- the access rights to a parcel have measurable value;
- changes in current access or the elimination of access is necessary

Section 84.09 allows the department, through negotiations, to alter and eliminate unnecessary or unsafe access points, as well as to restrict or prohibit additional access. This is done where there is redundant or unneeded access which can be eliminated as part of the access control project development.

1.3 Driveway Permitting

See [FDM 7-25-1](#) and WisDOT Highway Manual Chapter 9, Section 10 State Highway Connections for more information on this subject.

State statutes prohibit making any excavation or fill or any other alteration within the highway right-of-way without obtaining a permit from the highway authority maintaining the highway. Driveway permits are issued under authority of statute 86.07(2) and Wisconsin Administrative Code chapter TRANS 231. The region Systems Planning and Operations Section oversees the driveway permit process, including surveillance, issuance of permits and the removal of driveways without permits. On controlled access highways, driveway applications are generally denied. They may be approved if a detailed review shows them to be in the public interest.

1.4 Access Covenants

See [FDM 7-30-1](#) for more information on this subject.

An access covenant is used to control access in a location which does not have administrative or purchased controls. It is a legal agreement between a property owner and WisDOT that limits the number of access points a property may have on the state trunk highway system. Consideration is given to the tier of the road on the

Statewide Access Management System Plan, functional classification of the roadway, traffic volume, and development potential of surrounding lands. If an access covenant is warranted, WisDOT negotiates with the property owner to develop a mutually agreeable one. The covenant spells out the number of future access points, and can also identify the location and type of access points provided. The access covenant is signed by the property owner and recorded at the appropriate county by WisDOT personnel.

1.5 Other Tools for Corridor Access Management

See [FDM 7-35-10](#) for more information on the following subjects.

1.5.1 Land Use Access Management Plans

These plans are developed jointly by local units of government and WisDOT. Local units of government facing rapid development of an area served by one or more state trunk highways have traditionally initiated the plans, but they can also be initiated by the state. Plans show existing and future access points to state trunk highways, median cross-overs and desired land use patterns for land adjacent to the highway. If a formal intergovernmental agreement is signed, no changes in access or median crossovers can occur without the agreement of all parties.

1.5.2 Traffic Impact Analyses (TIAs)

A TIA is an engineering study that compares before and after traffic conditions on a road network due to a proposed land use change. For WisDOT's purposes, it is produced to identify, for both WisDOT and the developer, the optimum number and location of highway access points and any roadway changes needed to accommodate the traffic generated by the development.

1.5.3 Official Mapping

When planning for transportation facilities, counties, cities and villages, and towns that have adopted village powers, have the authority to prepare plans and maps showing the approximate location and width of future highways and streets. The purpose of the map is to inform the public of land areas that may be required for future rights-of-way, in order to prevent costly development from taking place in the corridor. Official mapping authority varies among the different levels of government.

WisDOT's authority to designate future freeways and expressways is similar to municipalities' official mapping authority. Section 84.295 requires that WisDOT be notified of any building or altering of structures in the designated freeway/expressway right-of-way.

1.5.4 Joint Access Easement Agreements

Joint access easement agreements should be considered tools for corridor management and land use/access management plans. They can reduce traffic congestion on through-streets allowing access to several destinations from a single access point. They can also provide several access points to many destinations and function as a quasi-private road.

1.5.5 Zoning/Land Use Planning Input

WisDOT can be pro-active in working with local governments to coordinate local land use and state highway access management goals. By offering to assist local governments in developing zoning ordinances, comprehensive plans, and/or land use plans, WisDOT can offer a perspective not usually available in the local planning process. The department can offer this type of assistance when a more formal land use/access management plan is either not appropriate or not feasible.

1.6 Freeway or Expressway Designation

See [FDM 7-40-1](#) for more information on this subject.

Section 84.295 of the Wisconsin Statutes provides that where WisDOT finds the volume and character of traffic sufficient to warrant the construction or acquisition of right-of-way for the ultimate construction of a highway to accommodate four or more lanes of traffic, it may, by order, designate that facility as a freeway or expressway. This authority is similar to the official mapping powers of local governments. Where the designated facility will be on new location, there is no inherent right of access to abutting property owners. If the designated facility is an existing roadway, access may be via service roads.

1.7 Subdivision Review

See [FDM 7-50-5](#) for more information on this subject.

Under Chapter 236 of the Wisconsin Statutes, WisDOT and other state agencies are objecting authorities for subdivision plat review. All state comments are forwarded to the Department of Administration which acts as the clearinghouse for state agency review. Final subdivision approval rests with the municipality in which the

subdivision is located.

TRANS 233 of the Wisconsin Administrative Code prescribes certain requirements intended to minimize or eliminate the impacts of subdivisions on abutting state highways. Regions review proposed subdivision plats to ensure they either comply with those requirements or that variances are granted by WisDOT. The region provides the Department of Administration with either a certification or formal objection to the plat.

If a proposed subdivision abuts a state highway, a careful check should be made to determine whether the subdivision owner has other contiguous land that is not part of the subdivision proposal. The owner and surveyor should also be contacted to determine the need for an overall area development plan. Such a plan could identify the need for additional future access points, or it could show that adequate access exists for future travel needs.

1.8 Other Land Divisions Review

Occasionally local governments will ask WisDOT to review and comment on land divisions or developments that could impact the traffic on a state highway. Region staff provides expertise in traffic analysis and access management techniques to help minimize any negative impact on the state highway. WisDOT does not have review authority on such developments but they can provide recommendations for the local governments to implement that will result in a safe connection to the state highway.

1.9 Scenic Easements

Scenic easements are purchased under statute 84.09(1) which authorizes the purchase of interests in land and 84.105(6) which authorizes the purchase of easements for national parkways such as the Great River Road. They are commonly used to ensure the preservation of natural beauty and features that enhance and contribute to the general appearance of the highway and to the interest and enjoyment of highway users. In addition to the Great River Road, there are many scenic easements at selected locations such as scenic river and stream crossings and other places where there are interesting features and views.

The WisDOT regions submit potential easement site locations as the need or opportunity dictates. The Bureau of Technical Services, determines the final selections, with priority going to those sites having the most desirable aesthetic qualities, and those sites being most endangered by potential adverse development.

1.10 Design/Engineering Techniques

WisDOT may eliminate intersections between controlled-access highways and existing streets or highways that are at grade, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access highway. The intersection may be modified by grade separations or provision of a service road. WisDOT may divide and separate any controlled-access highway into separate roadways or lanes by raised curbing, dividing sections or other physical separations or by signs, markers, pavement markings or other suitable devices, and may execute any construction necessary to promote public safety including service roads or separation of grade structures.

As an example, median openings, whether they are located at major intersections or serve traffic generators between intersections, all tend to interrupt through traffic flow. On arterial streets it is recommended that free flow of traffic without interruptions be maintained.

Design details that channel traffic and reduce potential conflict points may be used on any state highway to improve the safety of the travelling public. Any location that has a crash history or is considered dangerous by regular users should be reviewed to determine whether the implementation of access management techniques can be used to improve the safety of that location.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Recordable Access Control Forms

[Attachment 1.2](#) Access - Related Documents