



FDM 7-25-1 General

March 5, 2012

The State of Wisconsin controls activities on highway right-of-way through the issuance of permits. Permitted activities include, but are not limited to, the installation, modification, and removal of driveways, private roads, local roads and streets, and trails that provide access to, across, and/or along the state highway system. This control is exercised to ensure the safety of the traveling public and to minimize congestion on the roadway.

1.1 Authority

STH connection permits are issued under the authority of section 86.07(2), Wisconsin Statutes and TRANS 231 of the Wisconsin Administrative Code. Anyone needing a permit must apply to a WisDOT transportation region office.

1.2 Responsibility

The Bureau of Highway Maintenance is responsible for creating, revising, and handling issues regarding STH Connection policy and corresponding permit forms. The region Systems Planning and Operations Sections oversee the STH connection permit process, including surveillance, issuance of permits and the removal of connections without permits. Any changes noted through surveillance are investigated to ensure that they have been authorized and that they do not adversely affect the maintenance or operation of the highway. A change not covered by a permit may have a permit issued if it conforms to standards. All changes that do not conform should either be removed completely or modified to conform. For more detail, see Chapter 9 of the WisDOT Highway Maintenance Manual.

1.3 Routes With Access Control

Routes with access control are those highways on which WisDOT has restricted the rights of access to abutting owners according to sections 84.09, 84.25, 84.29, or 84.295 or where partial control is exercised under Chapter 236, Wisconsin Statutes, as interpreted in Administrative Code TRANS 233.

1.3.1 Private Drives, Not Constructed

Occasionally, during the establishment of an access control project, a property owner may be given the authorization for a connection to be constructed in the future. When the land owner decides to construct that connection, the permit application is reviewed according to the process described below and a permit is issued. (See process for review of applications for permits on routes with no access control.) The permit ensures that connections meet established physical standards.

1.3.2 Requests for Additional Access

When a land owner applies for a permit to construct an access that was not authorized by the access control project, WisDOT follows the review process outlined in [FDM 7-15-5](#).

If the permit is summarily dismissed, a letter explaining the nature of the access controls should be sent to the applicant. Property owners have no right of appeal when additional access to an access-controlled facility is dismissed. This is affirmed in a legal opinion issued by the WisDOT Office of General Counsel in March of 1995. When exceptions are made and additional access is granted, property owners must follow the same permit procedure as they would follow on roadways with no access control.

1.4 Routes With No Access Control

On routes without access controls, a permit is required to do work on the highway, but here the permit serves the broader purpose of assuring that:

- the connection is needed,
- the location is appropriate along the property it serves,
- it is at a safe location along the highway, and
- it meets design specifications for drainage, type of use, etc.

On non-access controlled highways, permits (i.e., access) can be denied, but there are appeal procedures available.

The following procedure is used when an application for a connection on a route with no access control is being

considered:

- The property owner or agent applies for a STH connection permit. The permit is logged in by the region, and the application is researched and circulated for staff review. Any conflicts with future projects, scenic easements restrictions, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants, applicable WisDOT manuals and Wisconsin Administrative Code chapter TRANS 231 are to be resolved by the region section/team responsible. Unresolved conflicts should be referred to the Region director.
- During the review process, the following should be considered: zoning, other access to the property, curb cuts, pullout distance, approach grade, driveway spacing, drainage, etc. The need for a Traffic Impact Analysis (TIA) should be assessed.
- Efforts should be made to resolve problems that arise during the review process.
- Following review and resolution of any problems, the permit is approved or denied.
- If the application is approved, a permit is issued and the appropriate region staff inspects the construction to ensure compliance with the permit's restrictions.
- If the permit is denied, the applicant is notified by mail, explaining the reasons for denial as well as the appeal process (See [Attachment 1.1](#)). If denied by the Region, the applicant is notified and informed of the right to appeal to the Director of the Bureau of Technical Services. If the appeal is denied, WisDOT notifies the applicant of the action and the grounds for the action and also notifies the applicant of a right (under statute 86.073) to a hearing before the Department of Administration, Division of Hearing and Appeals. This statutory right does not apply on routes where WisDOT has acquired access controls under the authority of 84.09, 84.25, 84.29 or 84.295.

LIST OF ATTACHMENTS

[Attachment 1.1](#) Sample Denial Letter