



## FDM 7-30-1 General

September 15, 1997

An access covenant is a legal agreement between a property owner and WisDOT that limits the access points a property may have on the state trunk highway system. It is used to control access in a location which does not have administrative or purchased controls. Justification for an access covenant can be triggered by the review of a major development, subdivision of land, or a driveway permit request.

Only WisDOT can rescind or revise the access covenant. If a parcel with an access covenant is later inside an area where there is an 84.25 or 84.09 project, the covenant restrictions can be worked into the access control project. If it is decided that the covenant is not sufficiently restrictive, it can be rescinded and replaced with 84.25 or 84.09.

### 1.1 Obtaining Access Covenants

The procedure for obtaining access covenants is as follows:

- Driveway permit requests are received and routed through maintenance, planning, real estate, and design areas for comments. (See [FDM 7-25-1](#)).
- Access covenants are possible on any parcels where new driveway permits are requested. Factors considered are: whether the road is on Tier I (Corridors 2020) or Tier II of the statewide Access Management System Plan, the functional classification of the road, the average daily traffic volume, development potential of the property, and the design and operation of the highway. If warranted by this review, it is recommended that a driveway permit be granted contingent upon the applicant's willingness to sign an access covenant.
- The site and all contiguous land owned by the applicant, is reviewed by WisDOT staff. The number and type of future access points to be permitted to the property from the state trunk highway is determined by WisDOT. Consideration is given to topography, drainage, other site features, and access spacing guidelines in the determination. The final access covenant is a result of analysis and negotiation with the property owner.
- The access covenant is signed by the property owner, the driveway permit is signed by WisDOT, and the access covenant is recorded at the appropriate county by WisDOT.

There are separate access covenant forms for use outside and inside of subdivisions. See [Attachment 1.1](#) and [Attachment 1.2](#).

### LIST OF ATTACHMENTS

[Attachment 1.1](#) Form DT1669, Covenant - Subdivision Access

[Attachment 1.2](#) Form DT1646, Covenant- Permit Access