

#### **Highway Maintenance Manual**

**Bureau of Highway Maintenance** 

Chapter 09 Right-of-Way Use & Permits

December 2023

Section 20 Work on Highway Right-of-Way Permits

**Subject 30** Municipal and Tribal Nation Welcome Signs

# 1.0 Statutory Authority

2017 Wisconsin Act 232, effective April 5, 2018, created two statutes for municipal welcome signs:

- <u>Wis. Stat. s. 84.30(2)(hm)</u>: "Municipal welcome sign" means an official sign erected and maintained by a municipality that the municipality determines is necessary to inform motorists of the territorial boundaries of the municipality."
- Wis. Stat. s. 86.19(1n): "...[A] municipality may erect and maintain within the right-of-way of any highway within the boundaries of the municipality a municipal welcome sign, as defined in s. 84.30(2)(hm). No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways. A sign placed under this subsection is not a traffic control device and is not subject to the provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02(4)(e)."

From various Wisconsin statutes, a municipality may be a town, village, city, or county. It does not include unincorporated communities.

2023 Wisconsin Act 74, effective December 8, 2023, created a statute for tribal nation welcome signs:

- Wis. Stat. s. 86.19(1p)(a): "Tribal nation welcome sign" means an official sign erected and
  maintained by a federally recognized American Indian tribe or band in this state that the tribe or
  band determines is necessary to inform motorists of the territorial boundaries of the Indian
  reservation or other land held in trust for the tribe or band.
- Wis. Stat. s. 86.19(1p)(b): "A federally recognized American Indian tribe or band in this state may erect and maintain within the right-of-way of any highway within the boundaries of an Indian reservation or other land held in trust for the tribe or band a tribal nation welcome sign. No sign under this subsection may be placed within the right-of-way of a highway designated as part of the national system of interstate and defense highways. A sign placed under this subsection is not a traffic control device and is not subject to the provisions of the Wisconsin manual on traffic control devices adopted by the department under s. 84.02(4)(e)."

**Note:** For brevity, "municipal and tribal nation" will not be used preceding the phrase "welcome sign" (or welcome signs) for the remainder of this policy. "Tribal nation" may be abbreviated as "Tribe."

# 2.0 Permit Policy

Since welcome signs are physically located on WisDOT highway right-of-way (ROW), a permit is required from WisDOT for the sign to be authorized. Welcome signs are not defined as encroachments or outdoor advertising signs, and they cannot be permitted using a revocable occupancy or outdoor advertising sign permit. Therefore, use a work on highway right-of-way (WHROW) permit (form <a href="DT1812">DT1812</a>) to authorize a welcome sign.

# 2.1 Permit Record and Retention

Keep a WHROW permit issued for a welcome sign on file for the duration that the sign is on WisDOT ROW. If the sign must be moved (e.g., due to boundary changes or a WisDOT highway improvement project), issue a new permit that voids and supersedes the previous one. A permit may also be amended if the move or a change to the sign is minor. Keep previous permits for welcome signs on file for a historical record or legal review. Include latitude/longitude coordinates to denote each sign location. (Note: Google Earth kmz files are recommended for this.)

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### 2.2 Applicant

All permit applications for welcome signs shall be filled-out and signed by an elected official or authorized employee of the municipality or a tribal government representative. Other municipal or tribal clubs, civic groups, and organizations may have an active role towards establishing a sign but shall not be the main point of contact when working with a municipality or tribe during the permit application process.

#### 3.0 Costs and Insurance

A municipality or tribe is responsible for all material, installation, restoration, operation, and maintenance costs of a welcome sign. This includes relocation and all associated costs if a sign needs to be moved due to a WisDOT highway improvement or maintenance project.

A municipality or tribe shall be self-insured or carry sufficient insurance to cover vandalism, crashes, or other harmful acts related to the sign.

### 4.0 Welcome Sign Criteria

WisDOT staff must review each welcome sign permit application to determine if it meets Wisconsin law, i.e., the sign informs motorists of the territorial boundaries of a municipality or the Indian reservation or other land held in trust for the tribe. No other function is allowed. Any item placed on a welcome sign must be associated with the municipality or tribe. The word "welcome" in the statute definition implies that it may be placed on the sign. The following items may also be used on the sign, but the list is not meant to be all-inclusive:

- Logos. A symbol or other pictorial drawing.
- **Graphics.** A pictorial drawing showing the municipal boundary shape (e.g., a city or reservation), or other prominent feature(s).
- Taglines (slogans). Words, phrases, etc. such as, "Hometown USA," "The Good Neighbor City," or "The Good Life on a Great Lake."
- Dual language. For tribal nation welcome signs.

A good place to find these items is on existing signs installed by the municipality or tribe, stationery, websites, and other social media platforms that a municipality or tribe is using. The municipality or tribe may also have created a branding campaign to market itself that includes the items.

The sign itself, and any landscaping or other tertiary items associated with the sign or landscaping, must be static, i.e., no moving part or parts, including no moving reflector disks.

The following items are considered outside the scope of messages for welcome signs under Wisconsin law and are not allowed with WisDOT permits, but the list is not meant to be all-inclusive:

- Other official or service club signs. For example, Kiwanis, Lions, Optimists, 4H, etc.
- Electronic message boards. Signs that have static or changeable messages or pictures regarding municipal, tribal, or other local events, time & temperature, etc.
- Static message boards. Signs that use individual letters/numbers changed by hand to provide information to the public regarding municipal, tribal, or other local events.
- **Auxiliary placards.** Signs that promote a championship high school sports team, or messages like, "Voted in the top 100 nationwide as one of the best places to live in 2017."
- **Advertising or sponsorship.** Any sign or message publicizing a business (for profit or non-profit), organization, civic group, individuals, etc.
- **Memorials.** Any tribute or plaque to a deceased municipal or tribal member or any other person.

A municipality or tribe may have the option of erecting an off-ROW sign with such features under Wis. Stat. s. 84.30 and Wis. Adm. Rule Trans 201.

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### 5.0 Permit Application Review

Each welcome sign permit application sent to a WisDOT region office shall, at a minimum, be reviewed for the following items:

- 1. **Interference with other WisDOT traffic signs.** The primary function of a state highway is to move traffic safely and efficiently. WisDOT uses many regulatory, warning, guide, and other traffic signs to do this. The location of a welcome sign shall not obstruct or conflict with any of these signs. A traffic sign may be moved, at the municipality's or tribe's cost, if the sign's placement meets the established guidelines in the Wisconsin Manual of Uniform Traffic Control Devices. Additional guidance with traffic signs is available in <a href="TEOpS 2-1-41">TEOpS 2-1-41</a>.
- 2. **Interference with intersection sight distance or vision corners.** The location of a welcome sign shall not obstruct sight distance or vision corners for motorists attempting to turn onto or cross a state highway. Intersections include all driveways.
- 3. **Size, material, lighting.** Unlike the requirements in <u>Trans 201.05</u> for official signs, there are no criteria for welcome sign construction. If a sign has lighting, the lighting shall not interfere with motorists' vision. Breakaway or yielding materials may be required as stated in #4.
- 4. Crash hazard. The location of a welcome sign shall be out of the clear zone and should be beyond clear runout area if used. The location should also be as close to the ROW line as practical. This is consistent with the location of aboveground utility facilities in <a href="HMM 09-15-25">HMM 09-15-25</a>, section 3.1. It may be difficult to build the sign in a location that meets this criteria due to narrow ROW widths. If this occurs, the sign shall be made of yielding or breakaway materials or protected at the municipality's or tribe's cost. If a sign is protected with guardrail, for example, any future guardrail repair or maintenance shall be at the municipality's or tribe's cost. Any sign made with breakaway materials shall account for how the materials will scatter or fall to avoid striking pedestrians or traffic.
- 5. Landscaping. Landscaping under or around a welcome sign may be allowed if the landscaping does not obstruct or block sight distance or vision corners as stated in #2, and the municipality or tribe performs regular maintenance on the vegetation. A water line may be installed to the site to provide irrigation. Landscape bricks or timbers, or any other aboveground item used for landscaping near the sign, shall not be a hazard if struck.
- 6. Location on state highway. Only one welcome sign is allowed per each state highway direction that crosses a municipal or tribal boundary even if the highway crosses a boundary more than once. No signs are allowed in a roundabout, splitter islands, or median islands at intersections. A sign may be placed in the median of a divided highway provided it does not interfere with any traffic signs or obstructs motorists' vision. The sign must be located entirely within the municipality's or tribe's boundary.
- 7. **Interstates and freeways.** Welcome signs are not allowed on Interstate highways but may be allowed on freeways. No direct access for the installation, maintenance, or repair of the welcome sign shall derive from the travel lane or shoulder of any freeway, nor from any interchange ramp.
- 8. **Vegetation.** Vegetation may be removed to install a welcome sign upon prior approval from WisDOT. WisDOT may require new plantings in other locations within a municipality or the Indian reservation or other land held in trust for the tribe to compensate for the public's loss. New plantings will be furnished at a rate of two trees for every tree removed that is 2" DBH¹ or greater that is not dead, diseased, invasive², or hazardous. Vegetation obstructing a sign more than five years after the sign's installation may be removed in accordance with Wis. Stat. s. 84.305.

If a municipality or tribe wants to mow a larger ROW area in front of its sign and/or more frequently than current WisDOT policy, add a supplemental provision to the permit to document the mowing. A drawing or sketch depicting the area to be mowed shall also be included with the permit.

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<sup>&</sup>lt;sup>1</sup> Diameter at Breast Height

<sup>&</sup>lt;sup>2</sup> Species as listed in Wis. Adm. Rule NR 40

9. Interference with utilities. A welcome sign should not interfere with existing utilities. If utilities need to be moved, the municipality or tribe must work with a utility company to move the facilities. WisDOT shall not revoke an existing utility permit solely to accommodate a welcome sign since utilities have authority under Wis. Stat. s. 86.16 to locate on state highways. The municipality or tribe shall be responsible to obtain the location of, and to protect or cause to be protected from any damage, any utility facilities in the area that may be affected by the municipality's or tribe's work. All notifications to other utilities are likewise the municipality's or tribe's responsibility.

### 5.1 Sign Maintenance

A municipality or tribe shall perform customary maintenance to keep its sign and any landscaping in good condition. A separate WisDOT permit is not required for maintenance. However, if a shoulder is closed for more than 30 minutes or a lane closed or encroached upon for any duration due to the maintenance, then a separate permit is required to evaluate and approve the necessary work zone traffic control.

#### 5.2 WisDOT Highway Maintenance

Per WisDOT's standard indemnification language that is included with all permits, WisDOT is not responsible for any damage to a welcome sign because of its highway maintenance activities (snowplowing, mowing, etc.).

# 5.3 Additional Supplemental Provisions

Under Wis. Stat. s. 86.07(2)(a), conditions may be placed on any permit as a requirement of approval. There are many general and supplemental permit provisions on the WHROW permit form. Additional supplemental provisions derived from this policy should also be included. If necessary, a situation unique to a WHROW permit should be handled by writing a special provision on the DT1812 form for that permit.

#### 6.0 Existing Welcome Signs

Unpermitted, existing welcome signs should be removed if conditions warrant that the sign is a safety hazard and cannot be permitted using the guidelines in this policy. Prior to removal, work with the municipality or tribe to determine if the sign may be moved to a different location, rebuilt with breakaway or yielding materials, protected, etc. to allow issuance of a WHROW permit. During the permit review process for an existing sign and upon WisDOT notification, a municipality or tribe should immediately remove any aboveground obstacles (e.g., landscape bricks or timbers) near the sign that are determined to be a hazard if struck.

#### 7.0 Permit Revocation

Any WisDOT permit issued may be revoked for policy or permit violations, safety violations, or as needed to facilitate a WisDOT highway improvement or maintenance project. If a permit is revoked, the permittee may appeal WisDOT's decision under <u>Wis. Stat. s. 86.073</u>.

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