

# APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY

Wisconsin Department of Transportation (WisDOT)  
 DT1504 9/2009 s. 86.07(2) Wis. Stats. & Ch. Trans 231 Wis. Adm. Code

- This form is an application for permission for a STH Connection. If approved, the permit does not create a right of access or access easement for the property.
- If the property has any legal restrictions that prohibit access to a state trunk highway (STH), WisDOT cannot approve a STH connection permit for the property.
- Please type or print neatly in ink. Fill out the required information on both sides of this form per the instructions. One form is required per connection. For more information, visit: <http://wisconsindot.gov/Pages/doing-bus/real-estate/permits/default.aspx>
- Please provide a copy of the property deed with all applications.

<b>WISDOT OFFICE INFORMATION</b>	Document Identification Number:

<b>APPLICANT INFORMATION</b>	1. Applicant Name and Mailing Address – Street/PO Box, City, State, ZIP Code	2. Property Owner Name / Address (If not applicant)
		3. If Not Property Owner, Reason for Application

<b>CONNECTION LOCATION INFORMATION</b>	4. Highway Number(s)	5. County	6. <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of:	7. Side of the Highway <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West
	8. Located within the Quarter, of the Quarter, Section, Town North, Range			9. Fire or Street Number (If applicable)
	10. Name of Nearest Side Road from Location Distance and Direction from Side Road  <span style="float: right;">(Feet or Miles) (N, S, E, W)</span>			11. How far is the location from the nearest non-side road connection on the same highway?  <span style="float: right;">(Feet or Miles)</span>

<b>CONNECTION TYPE INFORMATION</b>	Log Mile or Reference Point (Filled in by WisDOT):		
	12. Proposed Activity (Check one)  <input type="checkbox"/> Construct New <input type="checkbox"/> Alter Existing <input type="checkbox"/> Remove Existing <input type="checkbox"/> Permit Existing	13. Proposed Use (Check one – See Instructions for category description)  <input type="checkbox"/> Urban – Commercial/Industrial <input type="checkbox"/> Rural – Agricultural <input type="checkbox"/> Urban – Residential <input type="checkbox"/> Public Road <input type="checkbox"/> Rural – Commercial/Industrial <input type="checkbox"/> Trail or Trail Crossing <input type="checkbox"/> Rural – Residential Is this a change of the existing use (if applicable)? <input type="checkbox"/> Yes <input type="checkbox"/> No	16. Proposed Trips Per Day (Check one)  <input type="checkbox"/> Seasonal <input type="checkbox"/> 101-1000 <input type="checkbox"/> 1-50 <input type="checkbox"/> Over 1000 <input type="checkbox"/> 51-100 Peak hour traffic count: _____
	14. Proposed Width:	15. Proposed Surface:	<b>QUESTIONS 17-27 on BACK PAGE</b>

All connections have restrictions, which include the information preprinted and filled-in on this application along with any conditions, covenants, supplemental provisions, superimposed notes, and detail drawings added by WisDOT. The applicant shall be responsible for complying with these restrictions along with the construction and maintenance of the connection. It is further understood that WisDOT's approval is subject to applicant's full compliance with relevant state statutes and administrative rules, plus any laws, codes, rules, regulations, ordinances and permit requirements of other jurisdictional agencies. The alteration of this form by the applicant is prohibited. Under s. 86.073 Wisconsin Statutes, WisDOT's permit denial or revocation may be appealed.

The applicant affirms that all information provided on and submitted with this form is correct and complete. Providing incorrect or incomplete information may result in permit denial or revocation as well as criminal prosecution under s. 946.32 Wisconsin Statutes.

**X**  
 \_\_\_\_\_  
 (Property Owner or Authorized Representative) (Date)

(Area Code and Telephone #) (E-mail address if available)

**FOR OFFICIAL WISDOT USE ONLY – DO NOT WRITE BELOW THIS LINE**

THE FOLLOWING SUPPLEMENTAL PROVISIONS APPLY

<input type="checkbox"/> Permit APPROVED (THIS PERMIT IS REVOCABLE)
<input type="checkbox"/> Permit DENIED
<input type="checkbox"/> Application DISMISSED
<b>X</b>
(WisDOT Authorized Representative) (Date) (If Computer-filled, Brush Script Font)
<input type="checkbox"/> Temporary permit. Expiration date:
<input type="checkbox"/> This permit voids / replaces permit #
<input type="checkbox"/> Shared connection
Co-user name:
Related permit #

17.  Yes  No Is the property zoned? Provide documentation from the jurisdictional zoning authority.

18. Explain how the land is currently being used: \_\_\_\_\_

19.  Yes  No Are you aware of any plan to change the zoning or land use for the property? If yes, explain. \_\_\_\_\_

20.  Yes  No Is this connection for property that was part of a land division or assemblage created on or after 2/1/99? If yes, explain. \_\_\_\_\_

21.  Yes  No Do you own other property abutting the highway that is next to the property that this connection will serve? If yes, describe. \_\_\_\_\_

**Note 1: Answering "yes" to #20 or 21 may result in a Wis. Administrative Code Trans 233 review by WisDOT. If this is needed, the processing of your application may be delayed.**

22.  Yes  No Does the property abut or border another public road? If yes, provide the road's name. \_\_\_\_\_

23.  Yes  No Are there any existing connections to any road serving the property? If yes, how many? \_\_\_\_\_

24.  Yes  No Are there any restrictions on the number, use, or location of connections to the property?

25.  Yes  No Are there any access easements across the property (recorded or unrecorded)?

**Note 2: If you answered "yes" to #24 or 25, provide a copy of all documents relevant to the restrictions and/or easements**

26. Provide the property tax identification number: \_\_\_\_\_

27. What is the proposed construction completion date for the connection? See Conditions of Issuance #9. \_\_\_\_\_

FOR ANY NEW CONNECTION OR CONNECTION TO BE MOVED, APPLICANT SHALL PLACE A FLAG OR MARKER IN THE HIGHWAY DITCH OR FORESLOPE (VISIBLE FROM THE HIGHWAY) AT THE PROPOSED LOCATION.

#### CONDITIONS OF ISSUANCE

1. WisDOT reserves the right to make such changes, additions, repairs, relocations and removals within statutory limits to the connection or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate relocation, reconstruction, widening, and maintenance of the highway, or to provide proper protection to life and property on or adjacent to the highway, or if alternative access to the property becomes available.

2. Except in cases where the indicated connection may be constructed by forces acting on behalf of WisDOT due to a highway improvement or maintenance project, the permittee shall do all of the following: (a) Furnish all materials, do all work, and pay all costs for the construction and maintenance of the connection and its appurtenances on the right-of-way. Materials used and the type and quality of the work shall be appropriate for the connection type specified in this permit; (b) Do all work without jeopardy to, or interference with, traffic using the highway; (c) Promptly restore to WisDOT's satisfaction and at least pre-existing conditions, highway surfaces, shoulders, ditches, vegetation, drainage appurtenances, guardrail, signs, electric conduits/cables, etc. disturbed by any work; (d) Maintain the connection and its appurtenances within the right-of-way limits, which includes keeping them in a proper state of repair, preventing the blockage or impairment of right-of-way drainage, and preventing aboveground obstacles to occur that could cause serious injury or death to a motorist in an errant vehicle; (e) Not disturb or cause the disturbance of any survey marker without the prior written approval of WisDOT.

3. The permittee, indicated on the reverse side, represents all parties in interest, and agrees that any connection or approach constructed by or for the permittee is for the purpose of obtaining access to the property (listed in #26) and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the right-of-way.

4. The permittee shall not make any changes to the connection, its appurtenances, or adjacent right-of-way, including, without limitation, changes to the location (#4-11), use (#13), width (#14), surface (#15), or increase the number of trips per day (#16) approved by this permit without obtaining prior written approval from WisDOT. WisDOT will evaluate all potential highway impacts that may arise from the proposed change(s) and therefore, does not guarantee approval.

5. The permittee, successors or assigns agree to hold harmless the State of Wisconsin and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

6. WisDOT does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material upon any portion of any connection along any state trunk highway even though snow, ice or sleet is deposited or windrowed on said connection by its authorized representative engaged in normal winter maintenance operations.

7. Under Wisconsin Administrative Rule Trans 401, the permittee shall implement proper erosion control and storm water management measures at all times during work operations and upon completion of the connection to protect all restored areas until the replacement vegetation achieves sustained growth.

8. Rock, asphalt, concrete, timber or other embankment retention or marking treatments for the connection are prohibited.

9. If the permitted work has not been started by the construction completion date, this permit is null and void. If the work has been started but is not finished by the construction completion date, no additional work shall be done unless authorized through an approved written time extension or a subsequent permit from WisDOT. Accomplishment of any part of the work shall verify agreement by the permittee to conform to this permit and to be bound by all of its requirements, restrictions, and obligations, all of which shall continue to be in full force and effect. WisDOT does not guarantee the approval of a time extension or subsequent permit since the conditions WisDOT based its permit approval upon may have changed between the permit approval date and time extension request date.

**Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.**

sured at right angles to the centerline of the driveway, except as increased by permissible radii.

**(2) RETURN RADII.** The radius of the return connecting the line of face of curb of the highway and the edge of driveway may not exceed 10 feet. In all cases the entire flare shall fall within the right of way.

**(3) ANGULAR PLACEMENT.** The centerline of the driveway may be either parallel to the property line of the lot for which access is requested, or at right angles to the curb line.

**History:** 1-2-56, am. (2), Register, January, 2001, No. 541, eff. 2-1-01.

**Instructions for  
APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY**

Wisconsin Department of Transportation (WisDOT) form DT1504 (4/2009)

**GENERAL INSTRUCTIONS**

- Use one form for each state trunk highway (STH) connection. A connection can be a driveway, public or private road, or a trail or trail crossing. The form initially serves as an *application* for a connection between a property and a STH. Then if approved, the completed form becomes a *permit* for the STH connection. If the property has any legal restrictions that prohibit access to a STH, WisDOT cannot approve a STH connection permit for the property, and therefore, you should not apply for this permit.
- Two copies of this application must be completed, signed and dated by the applicant. Send one copy with an original signature to the appropriate Regional Transportation Office, and *keep* the other for your records. Go to: [www.dot.wisconsin.gov/business/rules/property-permits.htm](http://www.dot.wisconsin.gov/business/rules/property-permits.htm) for a list of office addresses, staff contacts, and a regional boundary map.
- Just below the signature line, provide an area code and telephone number where you can be called between the hours of 8 a.m. and 4:30 p.m. Monday through Friday. Note at the top of the form if there are particular times of the day and/or days of the week that are more convenient to call you. If you have an e-mail address, provide that too. WisDOT may send you correspondence and/or your approved permit via e-mail in order to speed up the processing of your application.
- Fill out all required information. Processing may be delayed or a form returned if information is missing.
- With your application, provide a copy of the property deed.* Also provide a copy of a certified survey map, if applicable.
- If you have an existing WisDOT permit for a connection that you are planning to alter, relocate, or remove, provide a copy of that permit.
- Copies of Wisconsin Statute 86.07(2) and Administrative Code Trans 231, which regulate a STH connection, are either enclosed (if this form was mailed to you) or available on the website listed above. Contact your local government officials for other statutes, ordinances, and permit requirements that may also apply to connections.

**SPECIFIC INSTRUCTIONS FOR EACH QUESTION**

1. **Applicant Name and Mailing Address:** Provide the full name of the property owner or person requesting the permit. For a public road, this must be a unit of government. Also provide the street name and number and/or PO box number, city, state, and ZIP code. The address information is used to return the application/permit to the applicant.
2. **Property Owner Name / Address (if not applicant):** Provide the full name and address.
3. **If Not Property Owner, Reason for Application?** Permits are typically issued to property owner(s), but may be issued to prospective buyers. For example, if you are not the current property owner but plan on purchasing the property, then provide a copy of the *accepted* "Offer to Purchase" document with your application.
4. **Highway Number(s):** Provide the STH route number that the connection will attach to. Provide all route numbers if two or more STHs run concurrently.
5. **County:** Provide the county name.
6. **City - Village - Town:** Check the appropriate box and provide the name.
7. **Side of the Highway:** Check the appropriate box for the side of the highway of the connection location.
8. **Located Within the:** This information may be obtained from the property tax bill or by contacting the appropriate town, village, city, or county clerk. If you cannot obtain this information, leave the section blank and WisDOT will complete it. Choices for quarter are: NE, NW, SE, or SW; for Section: 1-36; for Town: 1-51; for Range: 1-20 W or 1-29 E.

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9. **Fire or Street Number (if applicable):** Provide the fire or street number if one has been assigned to the property, or provide it to WisDOT as soon as it is assigned. A Government Lot number may be inserted if there is no fire or street number.
10. **Name of Nearest Side Road from Location:** Provide the full name of the nearest intersecting road to the connection.
- Distance and Direction from Side Road:** Estimate the approximate distance (in feet or miles) by starting at the nearest side road and going along the STH until you reach the center of the connection location. Select north, south, east or west (or N, S, E, W) for the direction.
11. **How far is the location from the nearest non-side road connection on the same highway?** A non-side road connection will either be a driveway or a trail crossing, and may be on either side of the highway. For questions 10 and 11, the distance may be estimated by driving (0.1 mile equals 528 feet).
12. **Proposed activity:** Check only *one* of the four activity boxes:

- Construct New:** to construct a new connection. This may include removal of existing connections if required. If you are relocating a connection with a valid WisDOT permit, submit *one* form with "construct new" checked, and WisDOT will generate a corresponding form with "remove existing."
- Alter Existing:** to physically modify, or change the use\* of, a connection with a valid WisDOT permit whose location will not change. This includes work beyond routine maintenance such as paving a connection, widening a connection, replacing a culvert, and improvements to the highway.
- Remove Existing:** to remove a legal connection.
- Permit Existing:** to obtain a valid WisDOT permit for an existing unpermitted connection.

\*Note: "Change the use", means any modification to a property that results in a change in the number and/or types of vehicles using a property's connection. Examples include changing from residential to commercial use, changing from single to multiple residential use, subdividing to accommodate additional residences or businesses, and changing the type of business.

13. **Proposed use:** Each connection serves a specific use. Check the *one* box that *best* defines the use. A rural-type highway typically has a ditch. An urban-type highway typically has curb and gutter.
- Rural - Commercial/Industrial:** a retail, wholesale, industrial or non-profit business next to a rural-type highway. *35' maximum*
- Rural - Residential:** a private home next to a rural-type highway. *16' minimum - 24' maximum*
- Rural - Agricultural:** a field for planting, maintaining, and/or harvesting crops or tending livestock, or land for recreational and hunting use, next to a rural-type highway. This use may serve farm buildings, but may not serve residential buildings. *16' minimum - 24' maximum*
- Urban - Commercial/Industrial:** a retail, wholesale, industrial or non-profit business next to an urban-type highway. *35' maximum*
- Urban - Residential:** a private home next to an urban-type highway. *24' maximum*
- Public Road:** a road, street, highway, etc. that connects to a STH for public travel and use and is maintained by a local unit of government.
- Trail or Trail Crossing:** a bike, snowmobile, etc. trail that is parallel to and/or crosses a STH.

**Is this a change of the existing use (if applicable)?** Check yes or no. See the note in #12 for the definition of "Change the Use".

14. **Proposed Width:** Provide the proposed width of the connection as measured at the right of way line. Minimum and maximum widths are regulated in Trans 231 and are listed in *italics* in #13.
15. **Proposed Surface:** Choose from grass, gravel, asphalt, or concrete.

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**If the connection is a public road:**

- The applicant must be the appropriate unit of government.
- Provide a copy of the:
  - Resolution from the appropriate government Board or Council documenting the approval of the proposed road.
  - Executed deed showing the transfer of property from the landowner to the appropriate unit of government.

**For all public and private roads:**

- The proposed road must conform to local road standards as found in Wisconsin Statutes and WisDOT's Facilities Development Manual.
- Provide a copy of the:
  - General location map. An existing plat book map may be used for this.
  - Plat, if applicable
  - Traffic Impact Analysis (TIA), if required by WisDOT or local unit of government
  - Pictures of the proposed intersection from all four directions
- Provide highway plans for the STH and proposed road showing the:
  - Designated right-of-way widths (See s. 82.50 Wisconsin Statutes for Town Road Standards)
  - Land ties and/or reference points
  - Proposed geometrics including surface type(s), lane width(s), approach grades (in all directions), turn lanes, bypass lanes, return radii, etc.
  - Drainage patterns and drainage structures including culvert size, endwalls, and extensions, if needed
  - Closest connections (other roads, driveways, trail crossings) in both directions along the STH from the proposed road, and along the proposed road from the STH
  - Cross-sections of all road improvements every 50' showing the original ground, proposed finished pavement elevations, ditches, and right-of-way line. Cross-sections along the local road should be provided at least 100' from the STH right-of-way line.
  - Pavement marking plan including new or restored markings, if needed
  - Erosion control and restoration plans
  - Traffic control plans during construction

**For all private roads:**

- Provide a copy of:
  - Proof of insurance, if requested by WisDOT.
  - A road maintenance agreement, if such an agreement has been developed and implemented by a group of property owners, businesses, etc., or association.

**If the connection is a trail or trail crossing:**

- The applicant may be a property owner, recreational group (for example, a snowmobile club), or unit of government.
- For a trail crossing in which you are not the property owner, provide written permission from the property owners on each side of the highway that the connection can be attached to their property.
- Provide a copy of the resolution or agreement that details the maintenance of the trail.

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16. **Proposed Trips Per Day:** Estimate how many trips will be made daily by vehicles going in and out of the connection. One vehicle going in and out of the connection equals two trips. "Seasonal" means a connection that is only used a few times during a year, for example, a field entrance or entrance to hunting lands.  
**Peak hour traffic count:** For any connection that will generate 100 or more trips in any hour, 50 or more trips exiting in one hour, or 750 trips in an average day, provide the number of vehicles using the connection during the peak hour.
17. **Is the property zoned?** Check yes or no. In either case, provide the appropriate documentation, which may be obtained from the local zoning administrator or clerk of the appropriate township, village, city, or county where the property is located. Typically, a simple statement from the authority on its letterhead is sufficient for documentation, or WisDOT can provide a form if needed.
18. **Explain how the land is currently being used:** If the land use and zoning are the same, then write "same as zoning". If not, please explain the use. You may use the descriptions listed in #13 as a guide.
19. **Are you aware of any plan to change the zoning or land use for the property?** Check yes or no. If yes, briefly explain the circumstances regarding the change. For example, "construct new house" or "proposed development."
20. **Is this connection for a property that was part of a land division or assemblage created on or after 2/1/99?** Check yes or no. If yes, provide a brief explanation. For example, if the connection is for property that is being created from a larger piece of property, check yes. A land division can be splitting one property into two or more properties, or it can be an assemblage, which is the joining of properties or portions of properties to make a different property.
21. **Do you own other property abutting the highway that is next to the property that this connection will serve?** Check yes or no. If yes, briefly describe. The land may abut either side of the highway.
22. **Does the property abut or border another public road?** Check yes or no. If yes, provide the road's name.
23. **Are there any existing connections serving this property?** Check yes or no. If yes, how many? Provide the total number. Field entrances should be included in this amount.
24. **Are there any restrictions limiting the number, use, or location of connections to the property?** Check yes or no. See #25.
25. **Are there any access easements across the property?** Check yes or no. Access easements and/or access restrictions may be documented on a: subdivision plat, certified survey map, deed, access covenant (recorded or unrecorded), agreement, plat, map, or existing permit (WisDOT or non-WisDOT issued). Carefully review these documents when applying for a STH connection permit. An access easement is typically defined as granting another party the right of vehicular access across a property.
26. **Provide the property tax identification number:** This information may be found on the property tax bill or a county (or city) land records web site.
27. **What is the proposed construction completion date for the connection?** Provide the date. The date should not be longer than *one year* from the permit issuance date. If the permitted work has not been started by the date, the permit is *null and void*. If the permitted work has started but is not finished by the date, no additional work can be done unless an approved written time extension or a subsequent permit is obtained from WisDOT. To request either one, contact the WisDOT office that issued the current permit. Time extensions and subsequent permits are not automatically approved. A field review may be required to determine if conditions have changed since the current permit was approved. WisDOT strongly recommends completing construction of an approved connection as quickly as possible. Once construction has started, it should be completed within 30 days to minimize traffic disruption.

**86.03 MISCELLANEOUS HIGHWAY PROVISIONS**

owner or occupant of the abutting land or by the public authority having control of the highway.

(4) **CUTTING OR INJURING TREES ON HIGHWAY.** No person shall cut down, break, girdle, bruise the bark, or in any other manner injure, or allow any animal under that person's control to injure, any public or private trees, shrubs, or hedges growing within the highway, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs, and hedges for the purpose of and conducing to the benefit and improvement of the owner's land or the highway facility, subject to sub. (7).

(5) **MUTILATION OF TREES.** It shall be unlawful for any person to injure, mutilate, cut down, or destroy any shade tree growing on or within any street or highway in any village in this state, unless express permission to do so has been granted by the village's board of trustees.

(6) **FINES.** Except as provided in sub. (7), any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$25 for each tree or shrub damaged, felled or destroyed.

(7) **CUTTING OF VETERANS MEMORIAL TREES; PENALTY.** No person may cut or trim any tree planted along any federal or state trunk highway as a memorial to the men and women who served in the armed forces of the United States in time of war, without the written permission of the department. Violations of this section shall be punishable by a fine of not less than \$10 nor more than \$200 or by imprisonment for not more than 30 days or both. Nothing in this section shall interfere with the rights of abutting property owners in those trees.

History: 1991 a. 316; 1993 a. 490; 2001 a. 107; 2005 a. 22, 253.

**86.04 Highway encroachments. (1) ORDER FOR REMOVAL.** If any highway right-of-way shall be encroached upon, under or over by any fence, stand, building or any other structure or object, and including encroachments caused by acquisition by the public of new or increased widths of highway right-of-way, the department, in case of a state trunk highway, the county highway committee, in case of a county trunk highway, or the city council, village or town board, in case of a street or highway maintained by or under the authority of any city, village or town, may order the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant, to remove the encroachment beyond the limits of the highway within 30 days. The order shall specify the extent and location of the encroachment with reasonable certainty, and shall be served upon the occupant or owner of the land through or by which the highway runs, and to which the encroachment shall be appurtenant.

(2) **NONREMOVAL.** If the occupant or owner upon whom the order is served shall not deny such encroachment, under sub. (3), and the encroachment is not removed within 30 days after the service of such order, the occupant or owner shall forfeit \$1 for every day after the expiration of that time during which the encroachment continues. An action to recover such penalty may be brought in any court of record in the county. In all cases where a judgment is rendered, the judgment shall order that the occupant or owner remove the encroachment within the time fixed by the judgment, and upon failure to obey the order, the department, county highway committee, or city council, village or town board, as appropriate, may remove the encroachment and recover from the occupant or owner the cost thereof.

(3) **DENIAL OF ENCROACHMENT; PROCEDURE.** If, within 30 days after being served with the order issued under sub. (1), the owner or occupant delivers a denial in writing of the alleged encroachment to the ordering body, or fails to make a denial, the ordering

body may commence an action to remove the encroachment in a court of record in the county where the property is located.

History: 1977 c. 29 a. 1654 (8) (c); 1977 c. 273; 1987 a. 137 a. 6; 1991 a. 316; 1993 a. 490; 1995 a. 225.

Cross-reference: For highway obstructions see s. 86.022.

Adverse possession is a defense to an encroachment action under this section. Department of Transportation v. Black Angus Steak House, 111 Wis. 2d 342, 330 N.W.2d 240 (Ct. App. 1983).

**86.05 Entrances to highways restored.** Whenever it is necessary, in making any highway improvement to cut or fill or otherwise grade the highway in front of any entrance to abutting premises, a suitable entrance to the premises shall be constructed as a part of the improvements; and if the premises are divided by the highway, then one such entrance shall be constructed on each side of the highway. Thereafter each entrance shall be maintained by the owner of the premises. During the time the highway is under construction, the state, county, city, village or town shall not be responsible for any damage that may be sustained through the absence of an entrance to any such premises.

**86.06 Highways closed to travel; penalties. (1)** Whenever any highway is impassable or unsafe for travel or during the construction or repair of any such highway and until it is ready for traffic the authorities in charge of the maintenance or construction thereof may keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the highway is closed and shall be lighted at night.

(2) Any person who, without lawful authority, removes, takes down, alters the position of, destroys, passes over or beyond any barrier so erected, or travels with any vehicle upon any portion of a highway closed by barriers as in this section provided, or walks or travels in any manner upon the materials placed thereon as part of the repair or construction work, shall be liable to a fine of not less than \$10 nor more than \$100, or to imprisonment not less than 10 nor more than 60 days, or both, and in addition thereto shall be liable for all damages done to the highway, said damages to be recovered by such governmental agency.

If a county has a contract to maintain state trunk highways, the county highway commissioner can temporarily close a highway in case of emergency. 67 Atty. Gen. 335.

**86.07 Digging in highways or using bridges for advertising. (1)** Any person who draws, paints, prints or pastes upon any culvert, bridge or guard rail on any highway shall be fined not less than \$10 nor more than \$200 or imprisoned for not more than 30 days or both.

(2) No person shall make any excavation or fill or install any culvert or make any other alteration in any highway or in any manner disturb any highway or bridge without a permit therefor from the highway authority maintaining the highway. Such permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by said authority and be performed and completed to its satisfaction, and in the case of temporary alterations that the highway or bridge shall be restored to its former condition, and that the permittee shall be liable to the town or county or state, as the case may be, for all damages which occur during the progress of said work or as a result thereof. Nothing herein shall abridge the right of the department or the county board or its highway committee to make such additional rules, regulations and conditions not inconsistent herewith as may be deemed necessary and proper for the preservation of highways, or for the safety of the public, and to make the granting of any such permit conditional thereon. If any culvert is installed or any excavation or fill or any other alteration is made in violation of the provisions of this subsection, the highway may be restored to its former condition by the

highway authority in charge of the maintenance thereof; and any person who violates this subsection shall be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment not exceeding 6 months, or both.

(2a) The restriction or depriving of used access to highways from abutting lands through the use of posts under any program to delineate driveways is prohibited.

(3) The prohibitions in this section do not apply to highway authorities in the performance of their duties.

History: 1977 c. 29 s. 1654 (8) (c); 1987 a. 137 s. 6; 1989 a. 335.

Cross Reference: See also chs. Trans 231 and 401, Wis. adm. code.

An existing right of access in s. 32.09 (6) (b) includes the right of an abutting property owner to gain ingress and egress, subject to criteria for granting permits for access points under s. 86.07 (2). Restriction of access was a compensable taking. *Narloch v. Department of Transportation*, 115 Wis. 2d 419, 340 N.W.2d 542 (1983).

Sub. (2) is not a broad grant of authority to promulgate regulations for the preservation of highways or for the safety of the public. It is a statement that the legislature does not intend in sub. (2) to limit the authority DOT has independent of this section to impose conditions or promulgate rules regarding excavations, fill, culverts, or other alterations or disturbances to a highway as long as the conditions and rules are consistent with sub. (2). Sub. (2) does not authorize DOT to regulate land divisions that are not subdivisions within the meaning of s. 236.02 (12). *Wisconsin Builders Association v. DOT*, 2005 WI App 160, 285 Wis. 2d 472, 702 N.W.2d 433, 04-2388.

**86.073 Review of denial of permit.** (1) If a district office of the department denies a request for a permit under s. 86.07 (2) to construct an entrance to a state trunk highway from abutting premises or revokes a permit issued under s. 86.07 (2), the department shall, upon written request by the applicant within 30 days after the denial, review the decision of the district office.

(2) After review, the department may reverse, confirm or modify the decision of the district office.

(3) If the department confirms or modifies the decision of the district office, the department shall notify the applicant of the action and the grounds for the action and shall also notify the applicant of a right to a hearing before the division of hearings and appeals. Upon written request by the applicant within 30 days after the notice is mailed to the applicant, the division of hearings and appeals shall schedule a hearing to be held within 60 days after receipt of the request.

History: 1983 a. 177; 1993 a. 16.

**86.075 Highway authorities to notify drainage board of highway construction.** Whenever a highway crossing any draining ditch of a drainage district governed by ch. 88 is being constructed or reconstructed or a culvert in any such ditch is being replaced, the highway authority in charge of such work shall consult with the drainage board having jurisdiction of such district for the purpose of determining the depth at which such drainage ditch was laid out. If any culvert or similar opening in a highway is installed at a grade higher than the depth at which such drainage ditch was laid out, the expenses involved in any future lowering of the culvert pursuant to s. 88.68 (4) shall be borne by the unit of government in charge of maintenance of the highway unless the highway authority in charge of the installation was misled by the drainage board as to the proper grade at which to install the culvert. This section applies only to work done after January 1, 1965.

**86.08 Dust-free surfacing at licensed dairy or meat packing plants.** (1) The duly constituted authority charged with the maintenance of any highway not having a dust-free surface shall cause the main traveled portion thereof within 400 feet of any licensed dairy or meat packing plant to be rendered dust-free by palliative treatment or an improved surface approved by the department. The cost of such treatment or surface shall be paid from the funds for maintenance or improvement of highways which shall be made available by the division of government responsible for the highway.

(2) If such treatment or surface is not applied by the division of government responsible on or before June 1 of any year, the county shall cause the work to be done. It shall keep an accurate account of the cost of such work and the county clerk shall, on or before November 1 of each year, certify to the department the cost of such work. The amount so certified shall be credited to the

county in its allotment and deducted from the allotment to the division of government responsible.

History: 1977 c. 29 s. 1654 (8) (c); 1987 a. 137 s. 6.

**86.09 Access to cemetery preserved.** In all cases where the paving, improvement, change of grade or any other change in the condition of any street or highway in this state shall operate to cut off, impede or obstruct the access or approach from such highway to a cemetery, it shall be the duty of the local or state authorities in charge of such paving, improvement or change to include in such work provisions for and to effect such grading and improvement of the access and approach to such cemetery as shall be necessary to preserve such access or approach in an equal degree of usability. And whenever in any city, village or town such paving, improvement or change of grade or condition heretofore made has operated so as to cut off, impede or obstruct the access or approach from such highway to a cemetery, it shall be the duty of the council or board of such city, village or town upon the request of any person to restore such access or approach to its former condition of usefulness, and to provide for such work in the same way that street or highway improvements are provided.

**86.10 Salvage in highway construction.** Materials removed from a highway incident to its improvement or maintenance which are suitable for reuse or have a market value, and which are not used in or disposed of under the contract for the work, shall become the property of the duly constituted authority maintaining the highway from which the material was removed and may be used or disposed of by such authority in the manner as in its judgment is for the best interest of the public, and any money received for such material shall be paid into the maintenance fund.

**86.105 Snow removal in private driveways.** The governing body of any county, town, city or village may enter into contracts to remove snow from private roads and driveways.

This section must be construed narrowly. Plowing of private parking lots is not authorized. Only in exceptional circumstances would plowing private driveways be permissible. 67 Atty. Gen. 304.

**86.11 Highways; railroad crossings; grade separation.** Whenever any highway crosses a railroad at grade and the town, village or county board or the city council or city commissioners other than in a city of the first class, as the case may be, shall deem it for the best interest of the public that said highway and railroad shall cross at separate grades, and when an agreement can be made between such board and the railroad company as to the manner of constructing of such separated grade crossing and doing the necessary work they may contract therefor; and such board shall after entering into such contract levy a tax sufficient to raise the money required to carry out such contract on its part, which tax shall be collected at the time and in the manner as other taxes are, and when collected shall be set aside as a special fund and used for said purpose. The plans for such grade separation shall have the approval of the department before the contract shall be binding or the change shall be made.

History: 1977 c. 29 s. 1654 (10) (e).

**86.12 Highway railroad grade crossings; construction and repair.** (1) All railroad companies owning or operating tracks crossing streets or highways at grade shall keep the surface of the crossings between the tracks and rails and extending 4 feet on either side of the outside rails, in good condition and repair for highway travel. The county board or the common council, village board or town board of the municipality in which the crossing is located may, by resolution, require any such railroad company to pave, plank, repair, change or otherwise improve the crossings, as the needs require. The clerk of the county, city, village or town shall serve a copy of the resolution upon the local agent of the railroad company.

(2) If a railroad company fails to comply with the resolution in sub. (1) within 30 days after service of the resolution, the county

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## Chapter Trans 231

### PERMITS FOR DRIVEWAYS AND ALTERATIONS IN STATE TRUNK HIGHWAYS

Trans 231.01 General.  
Trans 231.02 Permit requirements.  
Trans 231.03 Location, design and construction requirements—general.  
Trans 231.04 Commercial—rural.

Trans 231.05 Noncommercial—rural.  
Trans 231.06 Commercial—urban.  
Trans 231.07 Noncommercial—urban.

Note: Chapter Hy 31 was renumbered chapter Trans 231 under s. 13.93 (2m) (b) 1., Stats., Register, August, 1996, No. 488.

**Trans 231.01 General.** (1) This regulation is for the purpose of designating standards within which the department is authorized to issue permits pursuant to s. 86.07 (2), Stats., for placing, constructing or altering driveways for movement of traffic between state trunk highways and abutting property or otherwise making excavations or fills or installing culverts or making other alterations in a state trunk highway or in other manner disturbing any such highway or bridge thereon.

(2) This authorization extends only to the issuance of permits for placing, constructing and altering private driveways, with and without pipes, for the movement of traffic between state trunk highways and abutting property, and to landscaping or other minor grading or alterations in roadway slopes and embankments on state trunk highways adjacent to lands owned by the permittee.

(4) No permit issued pursuant to this authority shall supersede more restrictive requirements imposed by valid applicable local ordinances.

(5) Permits for such installations or alterations exceeding the limits or conditions established hereby shall be issued only on specific approval of the secretary.

(6) No permit shall be issued or be valid for construction of a driveway connecting directly with the through roadway of a controlled-access highway unless and until such driveway is authorized by specific finding, determination and declaration approved by the department.

(7) Applications for permits shall be made on forms available at the offices of the department, and will be furnished upon request.

(8) The purpose of the design standards herein prescribed is to promote the orderly and safe movement in and out of private properties in such manner as will constitute a minimum of interference to through highway traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the highway.

(9) No permit may be issued under this chapter for construction of a highway or a private road or driveway that connects directly with a state trunk highway and that provides vehicular access to a land division, as defined in s. Trans 233.015 (4), unless the land division was created before February 1, 1999 or the department, district office, as defined in s. Trans 233.015 (1r), or reviewing municipality, as defined in s. Trans 233.015 (6m), determines that the land division meets the requirements of ch. Trans 233. If the department determines that a land division created after February 1, 1999, differs substantially from the land division shown on a land division map to which the department, district office or reviewing municipality certified no objection under ch. Trans 233, any permit issued under this chapter for that land division is void and may be summarily canceled by written notice to the land owner and the private road or driveway shall be discontinued.

History: 1-2-56; cr. (9), Register, January, 1999, No. 517, eff. 2-1-99; am. (intro.), (4) to (7) and (9), r. (3), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 231.02 Permit requirements.** In making application for a permit the applicant agrees to the following conditions:

(1) That he or she represents all parties in interest, and that any driveway or approach constructed by the applicant is for the bona fide purpose of securing access to his or she property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the highway right of way.

(2) That the permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right of way. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designated and subject to approval of the department. The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches and vegetation disturbed shall be restored to equivalent of original condition by the permittee.

(3) That no revisions or additions shall be made to the driveway or its appurtenances on the right of way without the written permission of the department.

(4) The department reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right of way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.

(5) That the permittee, successors or assigns, agree to hold harmless the state of Wisconsin and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.

(6) The department does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any state highway even though snow, ice or sleet is deposited or windrowed on the driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.

History: 1-2-56; am. (2), (3), (4) and (6), Register, January, 2001, No. 541, eff. 2-1-01; corrections in (1) and (5) made under s. 13.93 (2m) (b) 5., Stats., Register, January, 2001, No. 541.

**Trans 231.03 Location, design and construction requirements—general.** The location, design, and construction of a driveway shall conform to the following:

(1) A driveway shall be located and restricted as to width as necessary so that the entire driveway roadway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right of way deemed necessary for effective traffic control or for highway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

(2) The number of driveways permitted serving a single property frontage along a state trunk highway shall be the minimum deemed necessary by the department for reasonable service to the property without undue impairment of safety, convenience, and utility of the highway.

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(3) The island area on the right of way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as hereinafter provided in sub. (7).

(4) The surface of the driveway connecting with rural-type highway sections shall slope down and away from the highway shoulder a sufficient amount and distances to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed.

(5) The driveway may not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the highway and in no case less than the equivalent of 15-inch diameter pipe. The distance between culverts under successive driveways shall be not less than 10 feet except as such restricted area is permitted to be filled in under the provisions of sub. (7).

(6) When curb or gutter is removed for constructing a driveway, the new connections shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. The driveway surface shall connect with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include replacement of sidewalk areas which are inadequate or become damaged by reason of vehicular travel across the sidewalk.

(7) The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:

(a) The filling in or grading down shall be to grades approved by the department and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner.

(b) Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for clean-out purposes may be required where the total culvert length exceeds 100 feet.

(c) Where no highway side ditch separates the restricted area from the highway roadbed, permanent provision may be required to separate the area from the highway roadbed, to prevent its use for driveway or parking purposes, by construction of a border, curb, rail, or posts deemed adequate by the department.

History: 1-2-56; am. (2), (5), (7) (a) and (c), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 231.04 Commercial—rural.** On rural type highway cross section, driveways serving commercial or industrial establishments shall conform to the following:

(1) **WIDTH OF DRIVE.** No driveway except as hereinafter provided shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii. In no instance shall a driveway have a width greater than 62 feet, including flare of return radii, measured along a line 10 feet from and parallel to the edge of the pavement on which the entrance will be constructed.

(2) **RETURN RADII.** No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet. Usually, these radii will be determined by the restrictions given in subs. (1), (3), and (4).

(3) **ANGULAR PLACEMENT OF DRIVE.** The angle between the centerline of a driveway serving two-way traffic and the edge of the pavement may not be less than 45°. Where suitable precautions are taken, or one-way operation along divided highways permits only one-way operation of the driveways, the angle of the entrance drive to grantee's property may be decreased. The angle of the exit drive with the highway pavement shall be not less than 45°.

(4) **ISLAND AREAS.** (a) An island of a minimum length of 10 feet shall be maintained between driveways serving the same premises. The measurement shall be along a line 10 feet from and parallel to edge of pavement. The permit shall specify that the island area, if less than 20 feet in length or 10 feet in width, is to be defined by physical structures such as curbs, posts, boulders, masonry walls or guard rails. Materials used to define the island, except concrete curbs, shall be painted white. The side of the island next to the highway shall be not less than 10 feet from the pavement edge. The side of the island farthest from the highway shall be at the right-of-way line.

(b) The area within 5 feet of a property line shall be a restricted area over which no driveway may be developed. The 5-foot restriction shall be measured parallel to the pavement edge and shall be effective between the right-of-way line and a line 10 feet from and parallel to the pavement edge. This is to serve as an island area should the adjoining property owner request a permit for a driveway.

History: 1-2-56; am. (1), (3) and (4) (a), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 231.05 Noncommercial—rural.** On rural type highway cross section, driveways serving farm or residence property shall conform to the following:

(1) **WIDTH OF DRIVE.** No noncommercial driveway or combination of driveways shall have a width less than 16 feet nor greater than 24 feet measured at right angles to the centerline of the driveway except as increased by permissible radii.

(2) **RETURN RADII.** No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.

(3) **ANGULAR PLACEMENT.** The centerline of that part of the driveway lying on the state right of way shall be at approximately right angles to the pavement except as topography may make certain angular placement necessary.

**Trans 231.06 Commercial—urban.** On urban type highway cross section, driveways serving commercial or industrial establishments shall conform to the following:

(1) **WIDTH OF DRIVE.** No driveway shall have a width greater than 35 feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.

(2) **RETURN RADII.** The return radii projected between the line of face of curb of the highway and the driveway shall be determined by the department basing its decision on the type of traffic and the restrictions given in subs. (1) and (4). In all cases, the entire flare shall fall within the right of way.

(3) **ANGULAR PLACEMENT OF DRIVE.** The angle between the centerline of the driveway and the curb line shall be not less than 45°.

(4) **ISLAND AREAS.** (a) When sidewalk is adjacent to curb, an island of a minimum length of 6 feet, measured along the curb line, shall be placed between each entrance to a state highway. The curb shall be left intact for this length.

(b) When sidewalk is remote from curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained between each entrance to a state highway. All flares shall be tangent to the curb line.

(c) A curb length of not less than 3 feet shall be left undisturbed adjacent to each property line to serve as an island area should the adjoining property owner request a permit for an entrance.

History: 1-2-56; am. (2) and (3), Register, January, 2001, No. 541, eff. 2-1-01.

**Trans 231.07 Noncommercial—urban.** On urban type highway cross section, driveways serving residence property shall conform to the following:

(1) **WIDTH OF DRIVE.** No noncommercial driveway or combination of driveways shall have a width greater than 24 feet mea-

# DRIVEWAY LOCATION SKETCH

DT1248 9/2002

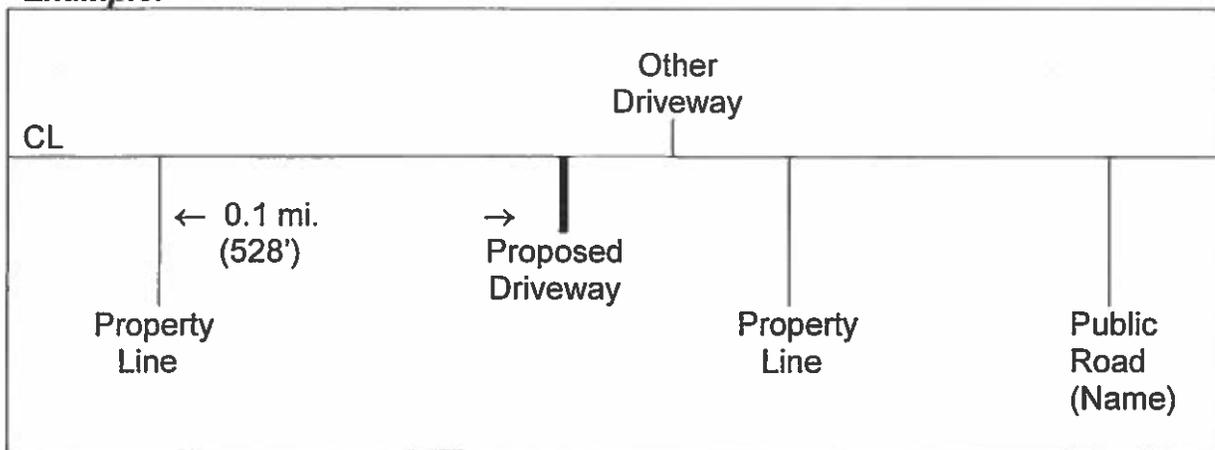
Wisconsin Department of Transportation

(This form must be completed and submitted with DT1504, Application/Permit for a Driveway)

Applicant Name	
Highway	County

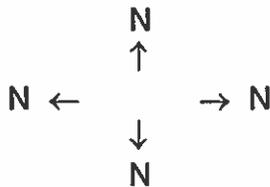
As shown on the example below, please measure and record the distances between the location of the proposed driveway and other driveways/public roads and the owner's property lines along the highway centerline (CL). This information should be recorded on the centerline shown below the example and record distances in feet or miles.

### Example:



Provide detail below showing proposed driveway location.

Circle the correct North Arrow in relation to the state highway.



(CL) \_\_\_\_\_