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6.01 TITLE/PURPOSE. This Ordinance is entitled the “Town of Cooperstown Public Works Ordinance”. The purpose of this Ordinance is to regulate traffic according to the authority given towns in the State Statutes.

6.02 AUTHORITY. The Town Board of the Town of Cooperstown has the specific statutory authority, powers and duties, pursuant to specific statutory sections noted in this Ordinance and by its adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, prevent and enforce against certain uses, activities, businesses and operations in the Town of Cooperstown by persons that may affect the traffic in such town. The Town Board shall have the discretion to impose higher standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic in quantity or quality will require higher standards.

6.03 ADOPTION OF ORDINANCE. The Town Board of the Town of Cooperstown has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and have established the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the traffic.

6.04 DEFINITIONS. As used in this chapter, certain word and phrases shall be defined as follows:

APPROACH. The portion of road extending 100 feet on each side of a culvert or bridge.

BASE COURSE. The supporting base material of the roadway, including shoulder.

BORING. Tunneling under road bed.

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DRAINAGE. The gradual drying of highway by system of ditches, trenches, channels, etc.

GRADE. The rate of ascent or descent of roadway.

HIGHWAY. The road or way over which the public generally has a right to pass, to include the complete right-of-way.

OPENING. Excavating in road bed or tunneling under road bed.

ROAD BED. The whole material laid in place and ready for travel.

ROADWAY. The traveled portion of the highway.

SURFACE COURSE. The top of the roadway, or traveled surface.

6.05 GENERAL PROVISIONS. Except as specifically noted otherwise in this Ordinance, Chapters 340 to 350 and Section 941.01 Wisconsin Statutes describing and defining regulations with respect to vehicles, traffic and snowmobiles for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated by reference by the Town of Cooperstown and made part of this Ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above-noted statutory Chapters shall be incorporated herein and made part of this Ordinance in order to secure uniform state regulations of traffic on the public highways, road, streets and alleys of the State of Wisconsin.

6.06 MINIMUM HIGHWAY DESIGN STANDARDS.

A. Design Standards Existing Roads: The classification of all roads under this Ordinance shall be within the complete discretion of the Town Board. Consideration of such factors as “Average Daily Traffic” (ADT), character of anticipated traffic, relation of highway to traffic patterns within the Town, compatibility with other highway systems and the “Town of Cooperstown’s 20-Year Comprehensive Plan” adopted (1/29/2007) shall be used in the decision. It is the intent that all existing town roads shall meet the improvement standards as listed in “Wisconsin Department of Transportation Statutes Trans 204” unless the standard is determined to be impractical for a specified road by the Town Board.

1. Existing roads. Reconstructed roads or any roads to receive a hard surface must have minimum Right of Way of 4 rods (66’) and the road way shall have a minimum width of 28’ with minimum surface of 22’.

B Design Standards New Roads: A new road is defined as a corridor of traffic not on the “Official Town of Cooperstown Map” as of the adoption of this Ordinance. New roads shall follow the standards set in Wisconsin Statute 82.50 & Town Standards. The Town of Cooperstown has established a minimum highway design standards for highways being

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constructed in the town to accommodate anticipated traffic and afford satisfactory access to police, firefighting, snow removal, sanitation, and road maintenance equipment. Highways dedicated in plats for proposed subdivisions submitted for review pursuant to Chapter 236 of Wisconsin Statutes, any private highways being donated to the town, and any other highways being accepted by the town as public highways in the town shall be subject to this ordinance. All town highways shall be classified as local roads unless designated by the town board as collector or arterial. The classification of all roads under this chapter shall be within the complete discretion of the town board considering such factors as traffic count, character of anticipated traffic, and relation of highway to traffic patterns within the town and other highway systems. It is intended that local roads be the lowest traffic count, with access to private property as principal function. Collector highways are intended to be highways acting as collectors from local roads to higher priority roads or developed areas. Arterials are intended to serve as corridors through the town serving intraregional and inter-area traffic movement.

Highway and Roads Design a) New Roads constructed must have a right-of-way of 66 feet, the roadway base course shall be 28 feet with a minimum width of surface of 22 feet and shoulders shall be a 3 feet minimum. Maximum grade is 10 percent. Ditching of roadway must be completed and have proper elevation to provide for the removal of water. Where it becomes necessary to make a lateral trench leading from main ditch; then the additional land necessary for the removal of accumulated water, must be provided and deeded over to the Town along with the necessary land for the highway. The additional land conveyed to the Town for drainage, will be under the supervision of the Town Board at all times. Cul-de-sacs: maximum desirable length of roads with cul-de-sacs is 1000 feet. Through roads are most desirable. Minimum right-of-way radius at cul-de-sac is 60 feet, minimum base course radius is 42 feet, and minimum pavement radius is 40 feet.

1. New road shall have base design to with stand the use of ADT the design should satisfy state standards for roadway and ditches for grade and drainage. Base course must be of a quality, thickness and composition suitable for the location. Surface course must consist of crushed aggregate or bituminous concrete composition suitable for anticipated traffic loads. The minimum amount of gravel necessary for acceptance must be at least 600 yards per mile. The road must then be blacktopped by the owner before it will be accepted by the Town Board as a town road. The minimum amount of pavement necessary for acceptance must be 2 1/2" after compaction, 22 feet wide. A hot mix is to be used. The ditching of the roadway must be complete and have proper elevations to provide for adequate drainage. Any culverts necessary for proper drainage shall be provide and installed after elevation and location is obtained from the Town Board. The culvert installed in a road bed shall be a minimum of 26 feet in length and a minimum of 24" diameter, however, the diameter and length of said culvert will be subject to the approval of the Town Board, after the amount of the flow-age is determined. Any secondary culverts installed in any lateral trenches, will be of a size and length as determined by the Town Board. In no case shall the culvert be less than 18" in diameter. Apron end walls shall be used. There shall be a side

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slope on the driveway of 3 to 1 and it shall be made of earthen material only. May be seeded.

2. All bridges shall meet the minimum requirements of state and federal law. In the event it is decided by the Town Board, that the construction of a bridge would be of a size and cost; that it would create a hardship to the owner of land, required to build said bridge, then the Town Board may proceed to accept the road, complete as required above, except the part extending 100 feet on each side of said bridge. This portion of the road shall be known as the approach. The approach will be accepted uncompleted, with the reservation that the town will bill back to the owner a portion of the cost of construction of such bridge and approach. The Town will enter into a contact with the land owner and then proceed to build said bridge and approach with the help of bridge aid if available, and billing the balance not covered by the aid to the owner.
3. Guard rails if deemed necessary, (as determined by Town Board) must be installed before the road is accepted by the Town Board.
4. All road signs and reflectors must be provided for and installed before the road is accepted by the Town Board.
5. Upon completion of the proposed highway, the Town Board will proceed to make final inspection, accepting or rejecting the highway. If the highway is rejected, then corrections must be made as stated by the Town Board before finals inspections will be made again. If final acceptance is made by the Town Board, the owner or owners will turn over to the Town, a warranty deed free and clear of any liens necessary to convey free and clear title to the town for the highway.

C. CREATION OF NEW ROAD OR ALTERING OF EXISTING ROAD.

Individual home owner or owner of land abutting on that part of a highway sought to be created or altered, or extended, shall make application in writing to the Town Board, giving location, and description of proposed highway. Said application may be delivered to any supervisor or the Town Clerk. Upon receipt of application, the Town Board will proceed to examine proposed route of highway. If approval is received then the individual or group of individual home owners may proceed to build highway, under the supervision of the Town Board. See State Statute 82.10 for complete procedures. All expense will be incurred by the petitioner.

6.07 DRAINAGE DITCHES AND CULVERTS WITHIN ROAD RIGHT-OF-WAY.

Authorized under Section 86.07, Wis. Stat. No person shall fill or obstruct any ditch or culvert alongside of any Town or public road, or underneath any such road with any dirt, stones or debris. No person shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill

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any ditch along any Town road or public highway. No person shall cultivate, plow or remove/add soil to Right-of-Way. No person shall enlarge a road drainage ditch without first obtaining a permit from the Town Board. Application for such permit shall be made to the Town Chairman. Before approving a permit to enlarge any road drainage ditch in the Town, the Town Board shall forward the permit application to all County and State agencies whose approval must be obtained before such work may commence. Any person who violates this section, shall be charged for costs incurred in clean up.

Culverts: new and replacement: New culverts, road and driveway (access), installed on newly constructed or rebuilt roads shall be the responsibility of the town. The culvert shall be installed by the town or with town approval and according to town specifications. Existing driveway (access) culverts replacements shall be the responsibility of the property owner and installed by the town or to town specifications. Clean out of driveway culverts in the town shall be treated as town ditch maintenance and shall be the responsibility of the town.

6.08 ROAD DAMAGE. Any person who damages a Town road (for whatever reason) may be liable in treble for damages pursuant to SEC 86.02 WIS Stat.

6.09 HIGHWAY OPENINGS OR BORINGS REGULATED.

Authorized under Section 86.07, Wis. Stat.

A. PERMIT REQUIRED. No opening or boring shall be made in any Town road or highway until a permit therefore has been applied for and issued by the Town Board. Applications for permits shall contain a description of the property involved, the location of such opening or boring and the purpose for which the opening will be made. Such application shall be signed by the owner unless the work is not to be done by the owner in person, in which case the person engaged to perform the work shall sign the application and the permit shall be issued in his name. See Chapter 15 for permit fees.

B. CASH BOND REQUIRED. Before a permit shall be issued under this section, the applicant shall furnish a cash bond to the Town in such amount as the Town Board shall determine to guarantee replacement of such highway in as good condition as before excavation was commenced.

C. EXCAVATIONS. In the opening of any public highway, all paving and excavated material shall be removed with the least possible damage to the surrounding area and so placed as not to interfere with traffic or drainage. Such openings shall be closed with barricades and lanterns or flares shall be maintained upon the location during hours of darkness.

6.10 SPECIAL OR SEASONAL WEIGHT LIMITATIONS. As per Section 348.16 and 348.17 Wisconsin Statutes, any officer in charge of maintenance of highways maintained by the town may to impose weight restrictions on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration, climatic conditions, or other special/temporary condition, would likely be

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seriously damaged or destroyed in the above special limitations. Roads in the Town of Cooperstown, have experienced damage due to repeated hauling of excessive weight on town roads, and Town officials have reviewed damages to these roads and believe that weight restrictions on the roads referenced herein are in the best interest of the health, safety, and welfare of town residents.

Section 1. The following restricted weight limits shall be effective as of August 15, 2025, on listed Town of Cooperstown roadways: (Refer to Appendix)

Class B roads - maximum 24-ton (48,000 lb.) weight limit

No Trucks allowed roads - maximum 12-ton (24,000 lb.) weight limit.

Maximum 40-ton (80,000 lb.) weight limit on all remaining Class A town roads.

Special seasonal Class B weight limits will be in place from March 1st through May 31st on all town roads.

Section 2. The Town chairperson, or his or her designee shall erect signage as required. Wis. Stats 349.16(2)

Section 3. No persons shall operate any vehicles on the above noted town roads, in violation of the above noted weight limits. A written permit issued by the Town of Cooperstown is required to operate over limits. Any violation shall be subject to penalties under Wis. Stats 348.21.

Section 4. The Town Clerk or designee is authorized to issue a **free permit** for repeated transportation of heavy loads in excess of specified weight limits in Section 1 above, provided that the permit applicant, provides financial security, that the permit holder will repair any damage caused to any town road by the permit holder or their agents.

APPENDIX

CLASS B Roads:

Zander Road -- Cty NN to Rosecrans Road
Greenstreet Road -- Marshek Road to Rosecrans Road
Hidden Valley Road – Marshek Road to Rosecrans Road
Keehan Road -- Cty Z to Hickory Grove Road
Zander Road -- Cty NN to Rosecrans Road
Radtke Road – Pleasant Road to Termini
Pleasant Road -- Schley Road to Cty R
Nachtwey Road – Zander Road to Townline
Herald Road -- Cty Z to Cooperstown Road
Hickory Grove Road – Rosecrans Road to Cty T

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NO TRUCK Roads:

Fairhills Road -- Cty Z to Rosecrans Road
Kocian Road – Rameker Road to Cty NN
Rameker Road – Korinek Road to Cty NN
Pantzlaff Road -- Greenstreet Road to Pautz Road
Hostak Road – Greenstreet Road to Pautz Road
Pautz Road – Pleasant Road to Termini
Pleasant Road-- Cty R to Cty BB
Scanlan Road -- Cty BB to Johnson Drive
Cooperstown Road -- Cty R to Cty T
Frelch Road – Herold Road to Cty NN
Pleasant Road – CTH Z to 2200' north of Fisherville Road

6.11 OBSTRUCTING IN ROADWAY OR RIGHT OF WAY PROHIBITED.

A. No person shall stand, sit, loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business, amusement, or any church, public hall or meeting place.

B. Section 86.01 Wisconsin Statute, material left in highway, penalty. It shall be unlawful for any highway superintendent or any other person to leave any materials in the traveled portion of any highway not closed to public travel in piles or rows after sunset without placing within one hour after sunset upon such piles or at the end of such rows a lighted lantern containing sufficient oil or fuel to keep the same burning until daylight. Any person violating any of the provisions of this section shall be liable to a fine of not less than \$10 nor more than \$100. Section 86.022 Wisconsin Statute, obstructing highway with embankment or ditch. Any person who shall willfully or maliciously make any ditch, depression or embankment or place any obstruction in any public highway intended or calculated to impede or incommode the use of such highway, or who shall place any obstruction in any ditch constructed to drain any highway, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100. Section 346.94 (5) (7) Wisconsin Statutes, placing injurious substances on highway and spilling loads of waste or foreign matter. No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof. The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways Section 941.01 Wisconsin Statute, negligent operation of vehicle. Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in s. 340.01, is guilty of a Class A misdemeanor. The Town Constable will send a certified letter of warning for the first offense stating the fee for violating the ordinance will be \$50 to the violator or the second offense.

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6.12 PARKING RESTRICTIONS. When an ordinance has been adopted by the Town Board and signs have been erected giving proper notice thereof, no person shall park, stop or leave standing any vehicle in violation of the parking restrictions so posted, see state statute 346.50. See chapter 7.10

6.13 HIGHWAY ENTRANCES & REQUIREMENT. PRIVATE ACCESS.

A. Culvert Requirement.

No person shall locate, establish, construct, or substantially reconstruct any driveway or private road in a public right-of-way of the Town of Cooperstown without installing a culvert in full compliance with this Section unless an exemption from the requirement for a driveway culvert is approved, in writing, by the Town Chairman, Road Supervisor or its representative. Included within the scope of this requirement are commercial driveways.

B. Permit Required; Application; Fee.

(1) Permit Requirement. No person shall locate, establish, construct, replace a culvert, modify a culvert, install a culvert, or substantially reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway or culvert permit from the Town of Cooperstown.

(2) Application. Application for such permit may be made to the Town Chairman or town road supervisor. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed driveway and driveway culvert in relationship to the real estate involved and the adjacent road, street, or highway.

(3) Review. The Town or its representative shall review all applications using this ordinance and the data and findings from the Driveway Inspection Report as shown in Section 2 in issuing driveway and culvert permits.

(4) Fee. The applicant shall pay a non-refundable fee of fifty (\$50.00) at the time of making application for the driveway permit, there shall be no fee for any replacement and/or modification of any culvert.

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C. Application Provisions. All driveway permit applications shall contain the applicant's statement that:

1. The applicant represents that such proposed driveway is for the bona fide purpose of securing direct ingress and egress to the property and not for any other purpose. Parking when servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road or street, is prohibited.
2. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
3. The permitted, his successors or assignor, agrees to indemnify and hold harmless the Town of Cooperstown, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
4. The Town does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of any windrows of such material upon any portion of such driveway within the dedicated portion of the Town road or street.

D. General Requirements. The location, design, and construction of driveways shall be in accordance with the following:

1. General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that, vehicles approaching or using it shall have a 300 ft or greater sight distance along the street “unless an exemption is granted by the town board”. Driveway approaches shall be at least seventy-five (75) feet apart between two adjacent parcels and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

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2. Driveway Surface. All driveways shall have a hard all-weather surface with a minimum of six (6) inches of crushed aggregate. If required by the Town or its representative, the driveway surface shall prevent tracking of mud and sediment onto public roads. The Town may impose special tracking pad requirements for agricultural access, in the event that the applicant fails to timely remove any mud and/or sediment on the road
3. Number.
 - a. The number of driveways allowed to serve an individual residential or commercial property fronting on a street shall be a maximum of two (2), subject to paragraph b below, provided that when two (2) driveways are utilized, there is also at least one-hundred eighty (180) feet of total street frontage on the street from which the driveways serve the parcel.
 - b. There shall be allowed one (1) driveway for the first acre of the served parcel, and one (1) additional driveway for all acres or parts thereof, up to a maximum of two (2). For residential street corner parcels, or parcels abutting more than one street, driveways and/or street access shall be allowed from only one of the streets abutting the parcel, except for agriculture lands.
 - c. Where two (2) driveways serve a parcel, such driveways shall be located no closer than seventy-five (75) feet from centerline to centerline, and at least ten (10) feet from the edge of the driveway to the property line.
 - d. The Town Board may grant exceptions to the provisions of this subsection, where deemed necessary and feasible for reasonable and adequate service to the property, considering the safety, convenience and utility of the street,
 - e. For agricultural driveways the minimum spacing of agricultural driveways shall be three hundred (300) feet.
4. Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. All driveways shall be graded in such way that no storm water reaches the roadway.
5. Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the Town Board necessary before any utility may be relocated and the driveway installed.
6. Variances. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

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E. Special Requirements for Commercial and Industrial Driveways. The following regulations are applicable to driveways serving commercial or industrial establishments.

1. Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width not less than thirty-two (32) feet measured at right angles to the center line of said driveway.
2. Angular Placement. The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
3. Design Information. The Town may require that additional design information, including design by a professional engineer, be submitted with the application.
4. Agricultural Driveway. In interpreting this ordinance, existing agricultural driveways as of the effective date of this ordinance shall remain as agricultural driveways in their present location and condition provided that such driveways are not hazardous, unsafe, or causing a water flow problem.

F. Special Requirements for Residential Driveways. The following regulations are applicable to driveways serving residential property.

1. Width of a residential single-type driveway shall be no greater than twenty-six (26) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than twenty-six (26) feet wide at the curb line and twenty-four (24) feet wide at the outer or street edge of the sidewalk.
2. Angular Placement. The angle between the center line of the driveway and the curb line or road edge shall not be less than 70°.
3. Design Information. The Town may require that additional design information, including design by a professional engineer, be submitted with the application.

G. Appeal from Permit Refusal. Any person feeling himself aggrieved by the refusal of the Town to issue a permit for a private driveway may appeal such refusal to the Town Board within thirty (30) days after such refusal to issue such permit is made.

H. Culvert Construction Standards.

1. Size: Culverts shall be installed prior to construction work being commenced on the property served. The size of all required culverts shall be determined by Town Board. No pipe smaller than eighteen (18) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel, dual wall plastic or concrete and shall be of new manufacture, unless specifically excepted by the Town, due to soil composition or depth.

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2. Gauge: The minimum wall thickness for the galvanized steel culverts shall be in accordance with the following: Pipe Diameter Gauge for 15-to-24-inch, 16 gauge; 30-to-36-inch, 14 gauge; 42-to-54-inch, 12 gauge; 60-to-72-inch, 10 gauge; 78-to-84-inch, 8 gauge. The class of reinforced concrete pipe shall be in accordance with the following: Height of Cover (in feet) Class of Pipe (in numbers); 0-2 feet, class IV; 2-3 feet, class III; 3-6 feet, class II. Dual wall plastic shall be in accordance with ASTM F2306, AASHTO M294.
3. Drainage: The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
4. End Walls: Unless specifically exempted in writing, all culverts shall be provided with metal apron end walls as directed by the Town.
5. Backfill Material. Material used for backfill shall be of a quality acceptable to the Town or its representative and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
6. Erosion Control: Erosion control measures shall be implemented to control erosion or as directed by the Town Board.
7. Construction: The Town of Cooperstown will review and send estimate for the installation of a culvert to owner before installation. The town will install the culvert and bill the property owner for the installation. On a new or reconstructed road, the town will be responsible for cost of culvert and installation.
8. Appeal: Any person whose request has been denied may request a variance from the culvert requirements of this Section by filing a written appeals request within thirty (30) days of such denial with the Town Clerk who shall place the matter as an agenda item for the Town Board's next meeting. The Town may require additional information, including design by a professional engineer.

6.14 PROVIDE FOR THE SAFE TRANSPORT OF MANURE BY PERMIT FOR THE USE OF MANURE PIPELINES IN TOWN RIGHT OF WAY OR ACROSS SUPPORT STRUCTURES.

A. Authority. This ordinance is adopted pursuant to the powers granted under the Wisconsin Statutes including, but not limited to, Sections 86.07 and 86.16 of the Wisconsin Statutes.

B. Definitions. Above ground manure line: A temporary manure line that is located on or above the surface of the ground, which includes manure lines running through culverts, tunnels, or similar underground structures originally installed for purposes other than manure transport.

Manure: A material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or processed wastewater.

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Manure line: Any hose, pipeline, or other conduit, whether temporary or permanent in nature, for the transmission of liquid manure within or across the right-of-way of a highway to a destination for application on a farm field or for storage.

Subterranean manure line: A manure line that exists, occurs, or is located under the earth's surface. Any culvert installed in the ground for the purpose of running through it a manure line is considered a subterranean manure line.

C. Permitting of Manure Lines. A person or entity shall obtain a permit from the town before the installation of any manure line(s) in the town right of way is allowed. Issuance of a permit grants the permittee the authority to install manure lines in the right of way subject to all applicable permit terms and conditions and any applicable federal, state or local laws.

D. Above Ground Manure Lines. (a) Upon receipt of a completed written application and the required fee the town may issue a permit for above ground manure lines within or across the road right of way. All permits will be valid for 1 (one) YEAR, unless a different time period is approved by the board. The town may attach additional conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

(b) Upon receipt of a written application and the required fee the town may issue a permit to temporarily affix hoses or pipes to support structures across the town right of way. As part of the application, the applicant must submit a plan specifying how the manure hose or pipe would be attached to or supported by the support structure. The town may attach conditions to any permit prior to issuance, including but not limited to inspection requirements, hours of operation, bond amounts, or any other condition the town deems necessary.

E. Subterranean Manure Lines. (a) Upon receipt of a written permit application in the form required by the Town Board and an application fee, the Town Board may issue a permit for the installation of an underground manure line in a town right of way consistent with the following:

1. The design of the pipeline shall be in accordance with sound engineering principles.
2. Within 60 days of completing the installation of the manure lines, the applicant shall submit to the town a map of the final installation drawn to a scale of 1/32, showing the location, size, depth, and kind of installation.
3. The town may require test wells be drilled along the pipeline and specify periodic groundwater sampling.
4. The manure lines shall be inspected (yearly, bi-yearly, etc.)
5. The person or entity who owns the lines will bear the cost of any relocation should the right of way need to be shifted or moved.

(b) The town board may attach appropriate conditions to any permit, including, but not limited to, requiring a bond, installation specifications, groundwater sampling, or any other conditions that the Town Board deems appropriate.

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(c) Permits shall be valid for one year. An application for renewal and fee, if required, must be submitted to the town clerk no later than January 31st each year.

(1) There shall be a presumption that a permit will be renewed unless the board determines: a. There have been violations of this ordinance or any conditions laid out in the permit.

b. There has been a substantial change in circumstances of the town right of way, including, but not limited to, repair or improvement of the road or development along the road.

c. That there are additional or more significant health hazards posed by the pipeline than were known or understood by the board before the initial permit was granted.

F. Application Materials. Any request to install manure lines in the right of way shall not be considered until all required information is provided. Applicants must use the standard manure line (or utility) application form provided by the town. All applications shall contain the following:

1. Adequate drawings showing the existing and/or proposed location of all manure lines within the right of way with respect to the planned installation. The drawings shall include dimensions from the proposed manure line to the commonly accepted right of way line and to the edge of the traveled way.

2. For highway crossings a cross-section detail showing depth of bury is required.

3. The applicant shall include information concerning the installation of the manure lines. The application shall include, but is not limited to:

a. A detailed description of the location, size, type, and the extent of manure lines to be installed.

b. Proposed construction procedures.

c. Special traffic control and protection measures as it relates to the installation of the manure lines.

4. Any other information that the town deems necessary.

G. Fees. Above-Ground Permit Fee: \$0

Support Structure Fee: \$50 plus town expenses incurred

Subterranean Fee: \$50

H. Removal. When deemed necessary by the Town Board for purposes of public health, safety, or welfare, the owner of the pipeline may be required to remove any pipeline located in the town right of way. If prompt removal does not occur after proper notice, the town may remove the line and bill the cost to the owner of doing so.

I. Enforcement and Penalties. Any manure line installed in the town right of way without the proper permit is punishable by a fine of no more than \$500.00. Each day a violation continues shall constitute a separate offense. The town may also seek injunctive relief or other declaratory actions.

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J. Liability. The person or entity that owns the manure lines shall be liable for any and all damages related to the negligent installation or use of the manure lines.

K. Severability. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction the remainder of this ordinance shall not be affected.

6.15 REGULATIONS OF INFRASTRUCTURES IN THE TOWN RIGHT OF WAY

A. Authority

This Ordinance is adopted pursuant to the powers granted under Wisconsin Statutes, including but not limited to, sections 60.22, 60.23, 86.07 and 86.16 S.S. and Wis. DOT FDM 11-40 (1.9.1.1 Utilities), Wis. PSC 130, and FCC 18-133.

B. Definitions

Town means the Town of Cooperstown, Manitowoc County, WI.

Person means any individual, firm, corporation, partnership limited liability company, or any other entity.

Utilities means Conventional Utilities and Small-Cell (5G) Wireless Utility, both as defined herein.

Conventional Utilities are described as gas pipelines, electrical utility lines and poles, telephone and cable TV lines, whether underground or above ground, which fall under regulation or administration of the FCC, or Wis. PSC or other administrative code provision, or State Statute.

Small-Cell (5G) Wireless Utility is described as the next generation of mobile networks beyond 4G LTE. 5G facilities will be low powered, short-range communication service for one carrier. Also referred to herein as **Small Wireless Facility**. Volumetric limit of three (3) cubic feet for Antenna and twenty-eight (28) cubic feet for all other associated equipment.

Infrastructure means lines, wires, fiber for telecommunications service, telegraph, telephone, or electricity lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, heat, light, or power along, across, under, or within the limits of the town right of way, together with all supporting poles and associated equipment.

Section IV: Permitting

No person shall install, construct or operate infrastructure for utilities within the town right of way without first obtaining a permit therefore from the town board. The following procedure relates to the permit process:

1. Applicant shall file a permit application with the Town Clerk, on forms provided by the Town. The application shall be reviewed by _____ to determine the application is complete. Upon determination the application is complete, the application shall be provided

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to the Town Planning Commission for review to determine the proposed work complies with applicable town, state and federal requirements.

2. The Town Planning Commission shall present a recommendation on the permit application to The Town Board, including any recommended conditions to be included in the permit. The Town Board shall consider the recommendation of the Planning Commission and act on the application. If the Town Planning Commission fails to make a recommendation to the Town Board on a timely basis, the Town Board may act without any recommendation.
3. The Town Planning Commission may include in its recommendation to the Town Board, and the Town Board may include in its approval of the permit, reasonable conditions including, but not limited to, reasonable location requirements; bonding or insurance requirements if there are reasonable grounds to question the financial responsibility or compliance ability of the applicant; relocation requirements consistent with town plans to widen or alter the road right of way. Notwithstanding the foregoing, the town board shall not impose conditions or requirements that materially inhibit the ability of any entity as a competitor or potential competitor to compete in a fair and balanced legal and regulatory environment per FCC 18-13, par. 35.
4. Conventional Utilities Application(s) shall be approved within 90 days after deemed complete for facility placement on an existing structure, and within 150 days for placement on a new structure.
5. Small Cell (5G) Wireless Utility Application(s) shall be approved within 60 days after deemed complete, for facility placement on an existing structure, and within 90 days for placement on a new structure.
6. Structure(s) placement will be on the back-slope of the ditch (ROW) and away from pavement and shoulder for public safety reasons.
7. Structure(s) shall be located outside of ROW clear zone, and shall not obstruct sight distances at intersections or driveways, for public safety reasons.
8. Structure(s) shall not obstruct drainage way for public safety reasons.

Section V: Permit Fees

Permit Fees shall be established by the Town Board, shall bear a reasonable relationship to the services provided pursuant to Sec. 66.0628, Wis. Stat., and shall not exceed the actual cost for administration of the application and permit. All permit fees shall be paid prior to issuance of the permit. The permit fees for Small-Cell Wireless (5G) Utility shall be subject to the following maximum amounts (Reference: FCC 18-133):

1. Maximum of \$500 for a single up-front application that includes up to five (5) Small Wireless Facilities.
2. \$100 for each Small Wireless Facility beyond Five (5).

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3. \$270 per Small Wireless Facility per year for all recurring fees, e.g., access fees, attachment fees, and maintenance fees.

Section VI: Removal

Permittee shall notify the Town Board at least thirty (30) days prior to the abandonment of infrastructure including the supporting equipment and structures. Permittee shall remove all infrastructure and supporting equipment and structures within 150 days following abandonment, and restore the site to its pre-installation condition.

Section VII: Enforcement and Penalties

Failure to properly comply shall be punishable by a fine of no more than \$500. Each day a violation continues shall constitute a separate offense. Refer to chapter 15 of Town Code.

Section VIII: Liability

The permittee shall be liable for any and all damages which occur during the progress of the installation or as a result thereof, including but not limited to, the use of the facility.

Section IX: Severability

Should a court of competent jurisdiction find any portion of this ordinance unconstitutional, invalid, or unenforceable, such finding shall not affect the remainder of this ordinance which shall remain in full force and effect.

6.16 UTILITY ACCOMMODATION POLICY.

96.00 Utility Accommodations

96.01 Definitions

A. General Definitions

Unless otherwise provided herein, the definitions accepted by the American Association of State Highway and Transportation Officials (AASHTO) can be used as a guide.

B. Specific Definitions

1. Clear Zone

That portion of the right-of-way is free of nontraversable hazards and fixed objects. These areas provide drivers with a reasonable opportunity to stop safely or otherwise regain control of their vehicle when it leaves the traveled way. The clear zone generally varies with the type of highway, terrain traversed, road geometrics, and operating conditions.

Chapter 11 of the Wisconsin Department of Transportation Facilities Development manual should be used as a guide for establishing clear zones.

2. Department=TOWN

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3. Emergency Utility Work

Unforeseen action by a utility deemed necessary to restore an existing utility facility to service and/or protect the general public.

4. Expressway

A divided highway with limited access control, at grade intersections in rural areas, and generally having grade separations at major intersections.

5. Freeway

A divided highway with full access control and with grade separations or interchanges at all intersections.

6. Highway(s)

A. State Trunk Highways

The State Trunk Highway system as authorized under Section 84.02, Wisconsin Statutes. This includes the entire area within the highway right-of-way.

1. Federally marked highways, such as “U.S.” or “I”, are part of the State Trunk Highway System and are designated by letters and numbers such as I-94, USH 12, or STH 54.
2. “Connecting Highways” in Section 86.32, Wisconsin Statutes, are actually local jurisdictional streets and not part of the State Trunk Highway System.

Note: The Department’s “Official State Trunk Highway System Maps” denote all connecting highways within Wisconsin. Call (608) 266-2782 for more information.

B. County Trunk Highways

The County Trunk Highways as authorized under Section 83.025, Wisconsin Statutes. This includes the entire area within the highway right-of-way.

1. County marked highways are a part of the County Trunk Highway (CTH) system and are designated by letters such as CTH “A” or CTH “BB.”

C. Town Roads

The Town Roads as authorized under Section 80.07 (1), Wisconsin Statutes. This includes the entire area within the highway right-of-way

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1. Town Roads marked by each township and are designated by names such as Smith Road, Maple Lane, or Pine View Drive.

7. Permit

The document by which the Department grants a utility permission to work within, use, occupy, or cross the highway.

8. Pipeline

A utility facility installed to carry or convey a fluid, gas, or other material, generally underground, including the casing and the product being conveyed.

9. Private Utility Facilities

Facilities which convey or transmit the commodities as defined by utility (see #15), but are owned and operated by an individual(s) or non-utility business and are not accessible to the public.

10. Responsible Person

A person having control over a utility project that is not administered by the Department.

11. Right-of-Way

A general term denoting acquired interests or rights in land (either all or partial) that are necessary to build, maintain, and operate a highway facility. It is not just a fee interest or a permanent highway interest by encompasses all necessary rights of both a permanent and temporary nature.

12. Applicant

The individual or entity that will own the utility facility which is to be placed In Department right-of –way.

13. Traveled Way

The portion of the roadway for the movement of vehicles which includes auxiliary lanes and ramps but excludes the shoulders. The traveled way usually lies between the edge line striping.

14. Roadway

Traveled way plus shoulders.

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15. Utility

Any corporation, company, individual or association, including their lessees, trustees or receivers, or any sanitary district, cooperative association, town, village or city that owns, operated, manages, or controls any plant of fixed equipment within this state for the conveyance of communications, electric power, light, heat, fuel, gas, oil, petroleum products, water, steam, fluids, sewerage, drainage, irrigation, or similar facilities.

The owners or operators of cable television systems, cellular phone and paging (wireless) systems, publicly owned fire or police signal systems, traffic and street lighting facilities or privately owned facilities which perform any of the utility functions above.

16. Utility Construction

Any use by a utility of labor or materials to install or to provide for the installation of a new or upgraded utility facility or to replace all or a significant portion of an existing facility.

17. Utility Facilities

a. Transmission Facilities

A utility facility which generally carries the product from the source to the distribution network. Additional terms are “communications feeder”, “toll”, and “trunk lines”.

b. Distribution Facilities

A utility facility which distributes the utility product from a transmission facility to points convenient for their customers.

c. Service Facility

A utility facility which serves a single customer via a connection with a distribution line. Additional terms for a service line include “lateral” and “drop”.

18. Utility Maintenance

Any use by a utility of labor or materials for repairs or replacement of parts or an existing utility facility to retain its use as intended, limited to the work types as further defined herein.

19. Utility Operation

Any activity by a utility to assure the function of an existing utility for its intended purpose.

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96.02 Introduction

A. Overview of Utility Accommodation

The Department operates the highway system under its jurisdiction to provide a safe and convenient means for the vehicular transportation of people and goods, and utility companies provide essential services to the public. Both the Department and utility companies typically provide facilities which consider present as well as future needs. Cooperation between these two entities is essential if the public is to be served at the lowest possible cost consistent with their respective public service needs, obligations, and interests. Although the Department strives to accommodate utility facilities whenever possible, the permitted use and occupancy of highway right-of-way for non-highway purposes is subordinate to the primary interests and safety of the traveling public.

B. Purpose of the Utility Accommodations Policy

The purpose of the Utility Accommodation Policy is to prescribe the policies and procedures that shall be met by any utility whose facility currently occupies, or will occupy in the future, any highway right-of-way or bridge over which the Department has jurisdiction.

The Policy applies to all public and private utilities as defined in 96.01 (B) (9) and (15). It also applies to all existing utility facilities retained, relocated, replaced or altered, and to new utility facilities installed on Department right-of-way.

Highway facilities (e.g., lighting, traffic signals, changeable message boards, etc.) operated by the Department for the purpose of ensuring motorist safety shall not be bound by the policies and procedures contained within the Policy.

C. Utility Accommodations Statutes

The Department regulates the use, occupation, and utility accommodations of the county trunk highway system under sec. 66.047, 84.08, 85.15, 86.07 (2), 86.16, and 182.017, Wis. Stats.

D. Utility Accommodation

Typically, the Department utilizes the following Policy when handling requests for utility accommodation or managing facilities that are already located on the right-of-way:

1. Permits

The Department permits utility facilities on its highways when:

- a. Such use and occupancy does not adversely affect the primary functions of the highways or materially impair their safety, operational, or visual qualities.
- b. There would be no conflict with the provisions of Federal, State, or local laws or regulations of the accommodation provisions stated herein.

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- c. The occupancies would not be significantly increase the difficulty or future cost of highway construction or maintenance. A utility shall abide by current version of the Policy each time a permit is authorized for its work. When future changes are made to the Policy, an existing utility facility is not required to meet the new version unless proposed changes to that facility require a new permit from the Department.

2. Additions

Nothing in the Policy shall be constructed as limiting the rights of the Department to impose restrictions or requirements in addition to and/or deviations from those stated herein in any permit where the Department deems it advisable to do so.

3. Alterations

The permitted facilities shall, if necessary by the utility to facilitate alterations, improvement, safety control, or maintenance of the highway as may be ordered after permit approval. All costs for construction, maintaining, altering, and relocating the permitted facilities shall be the obligation of the applicant, unless a specific Department-executed utility parcel or agreement otherwise provides.

E. Utility Facilities Relocation

1. Purpose and Scope

The purpose of this chapter is:

- a. To establish administrative procedures to prevent delays to proposed county trunk and local highway improvement projects and contractor delay and expense due to uncertain scheduling of utility relocations.
- b. To define a process and scheduling procedure to deal with utility conflicts with county trunk and local road construction and arrange for their timely resolution.
- c. To integrate the utility facility relocation process for county trunks and local roads as outlined in s. 84.063, Stats. For state trunk highways, with several pre-existing statutes and regulations including the following:
 1. The obligations of utilities and highway planners and contractors under s. 182.0175, Stats.
 2. The obligations of utilities to pay the cost of protection or changes to utility facilities to accommodate highway work under s. 66.047 Stats. and
 3. The obligations of utilities to comply with the conditions of permits issued for the location of utilities within highways under s. 86.07(2) Stats., 23 CFR part 645 (April 1, 1993)

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- d. To comply with federal law regarding utility accommodations when the project is on any right-of-way of any federal-aid highway and funded in whole or in part with federal funds (23USC 109 (1) (1993).
- e. To make it clear that this chapter is not applicable to railroad facility relocations or adjustments.

2. Applicability

- a. This chapter applies to county trunk and local road improvements projects which have utility facilities located on them and are let for construction, or to be constructed by local forces, after this chapter has been published and for which the Department has mailed the notifications and plans prescribed in ss. Trans. 220.04 and 220.05.
- b. The Department shall begin sending the notification and plans prescribed in ss. 220.04 and 220.05 for all county trunk and local road improvement projects for which the design process is initiated after this chapter is published. The Department will not be required to resend the notification and plans if it has already done so prior to this chapter being published.
- c. This chapter does not apply to the alteration or relocation of railroad facilities.

3. Definitions

The definition of words and phrases in s. 84.063, Stats., apply to this chapter. In this chapter:

- a. **“Business Day”** means any calendar day of the year exclusive of Saturdays, Sundays, and legal holidays.
- b. **“Calendar Day”** means any day of the year; if more than one day, it means any consecutive days of any year or years.
- c. **“Compensable Work”** means utility facility alteration or relocation work for which the Department will reimburse the utility facility owner under programs or policies of the Department, including. 84.295 (4m), Stats.
- d. **“Contractor”** means the person or entity that enters into an improvement project contract with the Department under s. 84.06 Stats., and subcontractors or suppliers to the contractor.
- e. **“Department”** means the County Highway Department or other local unit of government.
- f. **“Highway”** has the meaning given in s 340.01 (22), Stats.
- g. **“Improvement”** has the meaning given in s 84.06 (1), Stats.

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- h. **“Letting Date”** means the date the Department receives and opens bids for improvement or 60 days prior to commencing construction with local forces.
- i. **“Mail”** means a written transmittal currently dated and sent to the addressee by regular or certified, return receipt requested United States postal service mail or other means.
- j. **“Major Reconditioning”** means an improvement project which included pavement resurfacing or minor reconditioning plus shoulder widening, ditch restoration, reduction of curvature or grades and intersection improvements.
- k. **“Minor reconditioning”** means an improvement project which includes pavement resurfacing, pavement widening, shoulder paving and intersection improvements.
- l. **“No compensable Work”** means utility facility alteration or relocation work which the owner must carry out without cost to the Department.
- m. **“Owner”** means the owner of a utility facility.
- n. **“Project Plan”** means a plan for a highway improvement suitable for the design of utility facility alterations or relocations which the Department sends to the owner.
- o. **“Reconstruction”** means an improvement project which rebuilds an existing facility and may include reducing curvature or grades and widening pavement and shoulders.
- p. **“Resurfacing”** means an improvement project which provides a new roadway surface on an existing pavement and may include base patching, intersection paving, shoulder gravel and selective beam guard.
- q. **“County Trunk and Local Roads”** are all non-state highways open to public travel.
- r. **“Utility Facility”** includes cable service.
- s. **“Work Plan”** means a plan of the owner to carry out utility facility alteration or relocation work to accommodate an improvement project of the Department.
- t. **“Working Day”** means a business day on which weather and other conditions not under the control of the owner will permit utility facility alteration and relocation work to proceed for at least 8 hours of the day with the normal working force of the owner engaged in performing the controlling item of work in accordance with the owner’s approved work plan. In determining the normal working force of the owner, consideration shall be given for any diversion of the

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owner's working force that is required to respond to an emergency involving restoration of critical utility service.

4. Notification

- a. The Department shall make a reasonable effort to determine what utility facilities are located within the right-of-way of a proposed improvement project by researching permit files, reviewing map files maintained by the Department, field investigation or contact with one call locating services and through contacts with local government units.
- b. The Department shall identify the owner of facilities determined in sub. (1) by name.
- c. The Department shall notify the owner of the proposed improvement by mail. The Department may include a receipt of mailing form with the notification, in which case the owner shall complete the form and mail it back to the Department within 7 calendar days of receipt.
- d. The notification shall include the name or route number, or both, of the highway, the geographical limits of the improvement, general description of the work to be done, desired date for completion of utility coordination and anticipated year of construction of the improvement.
- e. Within 60 calendar days of mailing the notification referred to in sub (3), the owner shall provide the information specified in s 84.063 (2) (b), Stats. By mail, that is, a description and the general location of each utility facility in the vicinity of the improvement. The utility shall reply whether or not it has facilities in the vicinity.

Note: Section 84.063 (2) (b) reads as follows:

(2) (b) Within a specified period after the date the notice is received, the utility facility owner shall provide the Department with a description and the general location of each utility facility in the proposed highway improvement right-of-way.

History: Cr. Register, February 1994, No. 458, eff, 3-1-94

5. Project and Work Plans

- a. After the owner responds with the information specified in s. 84.063 (2) (b) Stats., the Department shall mail the owner at least one set of the available project plan. The project plan shall show all existing utility facilities known to the Department that are located in the right-of-way where they will conflict with the improvement.
- b. The Department may include a receipt of mailing form. If a receipt of mailing form is sent, the owner shall complete the form and mail it back to the Department within 7 calendar days of receipt.

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- c. The project plan need only show those portions of the improvement which give the project location. The owner's existing utility facilities and how those facilities will be affected by the improvement. The Department will also provide any additional and duplicate plan information needed by the owner to design and layout the removal, relocation or adjustment of existing utility facilities and the placement of relocated or additional facilities within the project limits.
- d. The owner shall provide the Department with a work plan. The work plan shall be furnished within 60 calendar days after the date of mailing of the project plan by the Department for resurfacing projects; within 90 calendar days for minor reconditioning projects; and within 120 calendar days for major reconditioning, reconstruction or new construction projects. Upon owner request or its own initiative, when the Department determines there is a potential for conflict between work plans, the Department will schedule a meeting that the owners are required to attend to coordinate the work. An additional 30 calendar days will be allowed to furnish the work plan if coordination is required with other utility facility owners or if the work is compensable.
- e. For compensable work, the work plan shall include, in addition to the information required in s. 84.063 (3) (b), Stats. a narrative description of what work will be done; whether the work will be done prior to highway construction and which work will be necessary to coordinate with the work of the contractor; when the work will be started and the length of time in working days to complete the work. A listing of approvals required by government agencies and the expected time to schedule to obtain those approvals shall be provided. The project plan furnished by the Department shall be reviewed by the owner to verify that the owner's utility facilities are shown. If the facilities are not shown, the owner shall mark their location and return the marked up project plan to the Department with a dated transmittal. If the utility facilities are shown, the owner shall advise the Department by mail and need not return the project plan.
- f. For compensable work, in addition to the items specified in sub (5), the work plan shall include an estimate of cost for utility facilities relocation including appropriate credits for betterments, used life and salvage. An executed conveyance of rights or quitclaim deed to the property occupied by the owner's facilities if one is required by the improvement project may be submitted at this time.
- g. The Department shall review the work plan to ensure compatibility with permit requirements, the improvement plans and construction schedule, the reasonableness of cost for compensable work. If the work plan submitted by the owner is not compatible or reasonable, the Department shall advise the owner by mail as soon as practicable. If sent through regular mail, the Department may include a receipt of mailing form. If a receipt of mailing form is sent, the owner shall complete the form and mail it back to the Department within 7 calendar days of receipt. The owner shall submit a revised work plan with 30 calendar

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days of receipt of advice by the Department that the work plan is not compatible or reasonable.

- h. The Department shall review the revised work plan and if the work plan is still not compatible or reasonable, the work plan revision process shall be repeated. When the work plan is compatible and reasonable, the Department shall advise the owner by mail of its approval.
- i. The owner shall notify the Department by mail within 15 calendar days of receiving all required approvals from government agencies.
- j. The Department shall notify the owner by mail not less than 30 calendar days before the owner is required to begin the work provided for in the approved work plan. The Department may include a receipt of mailing form which the owner shall complete and return within 7 calendar days of receipt.
- k. If the owner's approved work plan is dependent on work by the contractor, the contractor shall provide the Department and the owner a good faith notice 14 to 16 calendar days before the work is expected to be complete and ready for the owner to begin its work. The contractor shall follow up with a confirmation notice to the Department and the owner not less the 3 working days before the work will be ready for the owner to begin its work.
- l. The owner shall notify the Department when its work has stated. The owner shall complete its work within the time frame described in its work plan. The owner shall notify the Department when the work is complete. Notices of work start and work completion shall be sent by mail within 15 calendar days of starting and completing the work, respectively.
- m. If, prior to the letting date of the highway improvement project plan is changed so that additional utility relocation or adjustment work is found necessary, the Department shall furnish revised project plan per subs. (10 to (3), and the owner shall provide the Department with a revised work plan per subs (4) and (5), except that the time allowed for the owner to submit the revised work plan after receipt of the revised project plan shall not exceed 60 calendar days. Revisions to the project plan shall be identified to the owner.
- n. If, after the letting date of the highway improvement projects, additional utility relocation or adjustment work is found necessary, the Department shall notify the owner. The Department and the owner shall agree on revised work plan.
- o. If additional utility relocation of adjustment work is found necessary after the owner has been notified per sub. (9), refer to s. Trans 220.06.

6. Responsibilities

- a. If the Department requires additional work to a utility facility after the facility has been relocated or adjusted in accordance with a work plan approved by the

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Department, the Department shall bear the reasonable cost of the additional work.

- b. If the Department requires relocation or adjustment of a no compensable utility facility that was originally determined, per the work plan, to not need relocation or adjustment, the owner shall bear the cost of the relocation or adjustment.
- c. If the Department requires relocation or adjustment of a compensable utility facility that was originally determined, per the work plan, to no need relocation or adjustment, the Department shall bear the reasonable cost of the relocation or adjustment.
- d. The owner shall bear the cost of additional work to any portion of its facilities after the facilities have been relocated or adjusted in accordance with a work plan approved by the Department if additional work is required by the Department due to error by the owner in preparation of work plans for, field location of, or construction of the relocation or adjustment of its facilities.
- e. The contractor shall be responsible for compliance with s. 182.0175(2) Stats., with respect to precautions to be taken to avoid and prevent damage to utility facilities.
- f. 1) The owner shall complete alteration of its utility facilities in accordance with the work plan approved by the Department. 2) The work shall be completed by the owner within the time frame of the approved work plan.
- g. 1) If the owner has complied with ss. 66.047, 84.063 and 182.0175, Stats., and this chapter and the utility facilities are damaged by the contractor, the contractor shall be responsible to the owner for damages if the contractor has not complied with s. 182.0175(2), Stats. 2) The contractor shall not be responsible for damage to the utility facilities if it has complied with ss. 182.0175 (2) and 66.047, Stats. 3) If the owner fails to provide a work plan as provided in s Trans 220.05, or fails to complete the alteration or relocation of its facilities in accordance with the work plan approved by the Department as provided in Trans 220.05, the owner shall be liable to the contractor for all delay costs and liquidated damages incurred by the contractor which are caused by or which grow out of failure of the owner to carry out and complete the work in accordance with the approved work plan.
- h. If one year or more has passed since the Department approved a work plan, the owner may submit a revised work plan that must be considered by the Department if it is submitted prior to the letting date and does not affect the letting date.

96.03 Indemnification

The Applicant shall save and hold the Department its officers, employees, and agents harmless from all liability, damage, loss, expense, claims, demands, and actions of any nature whatsoever arising out of any acts or omissions of Applicant in any way connected with the work to be performed pursuant to this

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permit or the construction or maintenance of facilities be the Applicant, in the Department of right-of-way which is the subject of this permit. Notwithstanding the foregoing, Applicant shall not be obligated to indemnify the Department or its officers, employees, or agents for that portion of any liability damage, loss, expense, claims, demands, or actions caused by the negligent, wanton, intentional, or otherwise wrongful acts or omissions of the Department, or its officers, employees, or agents.

The Department remains responsible for issues relating to road design but will not incur liability on behalf of Utility simply by granting a permit unless the grant of that permit is otherwise negligent or improper.

Applicant, including successors and/or assigns, shall mean the individual or entity which will own the utility facility which is to be placed in the County right-of-way.

96.04 General Information

A. Buried Line Locating Notification

Each applicant for a permit to work on a Department's highway shall provide a reliable line-locate notification service by either or both of the following means:

1. If the Applicant has membership in a one-call utility notification service, it shall enter the current phone number(s) for the service on the face of each Department permit application. The applicant shall also provide written notification to the Department upon or in advance of any subsequent changes in the one-call contact information such as cessation of membership, changes in the contact phone number(s), etc.
2. If the applicant lacks membership in a one-call utility notification service at the time of applications for a Department permit, or has membership but desires to provide a second resource for line locates, they shall:
 - a. Provide operational area maps which accurately specify the area(s) in which the applicant has lines or a franchise to install lines. A minimum of one such map shall be furnished to the Department. The applicant shall advise the Department of any future changes in its operational area(s) and supply updated maps showing the current conditions, and
 - b. Enter on the face of each permit application the phone number(s) to be called to obtain specific line locates from the applicant. The applicant should notify the Department of any change to these phone numbers.

B. Design Responsibility

The utility shall be responsible for the design of the facility to be installed or adjusted within the right-of-way. The Department shall be responsible for review of the utility's proposal and for permit approval.

C. Utility Facility Condition Requirements

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All utility facilities shall be kept in good state of repair both structurally and from the standpoint of appearance.

D. Chemical Treatment and Cutting of Trees

Utilities shall be prohibited from chemical treatment or cutting of trees on Department highways without a permit from the Department except as provided under maintenance type activities (see policies 96.61 through 96.64) and the utility shall provide the Department with MSDS sheets for chemicals being used along with an annual spraying plan.

E. Draining Wetlands

The installation of privately owned lines or conduits on the right-of-way for the purpose of draining wetlands is prohibited.

96.05 Emergency Work

Emergency situations may arise when immediate action to protect the safety of the general public requires utility operations within a Department's highway that are not in full compliance with the provisions of the Policy. Nothing herein shall be construed as requiring a utility to delay such emergency repair.

Emergency repairs may be performed within the right-of-way when physical conditions or time considerations prevent application for the usual permit. However, as soon as feasible, the utility shall advise the Department of the emergency, its plans or actions for alleviating the dangerous situations (s), and arrangements made for the control and protections of traffic or pedestrians affected by its proposed operations. When the Policy requires a permit for such work, a permit shall be obtained as soon as possible and any alterations deemed necessary through the permit approval process shall be made.

96.06 Abandoned Facility

A. Above Ground Facilities

If a utility discontinues use of an above ground facility, the facility shall be entirely removed from the right-of-way within one year after its use is discontinued unless written approval for a time extension is granted by the Department or a proper permit is requested and approved by Department for sale to another utility.

B. Underground Facilities (This section does not waive a utility's rights under ss. 182.0175.)

Effective January 1, 2000, a record of underground utility facilities abandoned in the right-of-way shall be maintained in a utility's permanent files until the facility is completely removed from the ground. The record should be of similar quality and detailed as any other map or plan submitted to the Department for permit approval. A utility shall take the steps it feels is necessary to be able to provide an approximate location of abandoned facilities in the future. The approximate location provided by the utility shall be within a ten (10) foot wide corridor (i.e., five feet either side as

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measured perpendicular to a facility). If a utility facility is to be abandoned as a part of a permit for a new facility, it shall be field located and shown on the permit request for the new facility.

Upon request by the Department, each utility and the Department requesting the information, shall agree on the method of transferring the abandoned facility information in accordance with the mapping capabilities of the utility. A utility shall update the map annually if requested by the Department. The utility may place a disclaimer on the abandonment map such as:

“The locations on this map cannot be relied upon for any purpose except general information and planning that an abandoned utility facility is in the right-of-way. The user remains obligated to call Digger’s Hotline at least three working days prior to any excavation. All utility facilities uncovered in the right-of-way shall be handled as active or energized until confirmed by a utility representative that is an abandoned or temporarily de-energized facility.”

Upon request by the Department, the utility shall provide a map (noted above) indicating all facilities abandoned prior to January 1, 2000 on record, if the utility had maintained such records.

When the Department intends to perform work in an area, it may call the utility to request confirmation of any abandoned facilities in that area. The utility shall respond to the request within 10 calendar days, and shall provide the Department with a more detailed record of the abandoned facilities in that area, if available.

When an unidentified utility facility is exposed or damaged, the Department shall call the utility to have a representative visit the site and identify its facility. The utility should physically respond to the site, if required, or contact the Department’s representative within two hours, and in all cases, shall physically respond to the site within six hours after the notification, if required.

The Department shall not require a utility to physically remove any abandoned underground facility so long as a permanent record of it is maintained, and if it does not prevent the construction or modification of any highway improvement and/or structure. However, abandoned appurtenant facilities such as manholes and pull boxes shall be filled in or removed in accordance with the Wisconsin Department of Transportation’s Standard Specifications for Road and Bridge Construction, current edition.

C. Structure Attachments

Utility facilities abandoned on a structure shall be removed within 60 days of the abandonment unless otherwise approved by the Department. All removal costs shall be the responsibility of the utility.

96.07 Compliance

A. Authority

Representatives of the Department have the authority to enforce the Utility Accommodation Policy and those specific provisions related to individual utility permits. These representatives (a.k.a. inspectors) include the county highway commissioner and his/her designee. It also includes the project engineer when utility permits are part of construction projects.

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All utilities, including all consultants, contractors, and subcontractors working for utilities, are required to abide by the Policy and those specific provisions related to individual utility permits.

A county Policy adopting this “WCHA Utility Accommodation Policy” and noting exceptions shall precede it.

The utility must first appeal to the permit reviewer, Highway Commissioner, and the County Highway Committee with assistance of their Corporation Counsel. In the final appeal process under Section 82.07(3) the utility can appeal to WisDOT if they feel a count is not treating them fairly.

B. Failure to Comply

At the Department’s option, the following measures may be taken if a utility fails to comply with the Policy of its permit provisions.

1. Verbal Request for Corrective Action

The request shall include:

- a. The reason (s) why the present or completed operation is (was) not in compliance with the Policy of the permit provisions,
- b. What steps shall be taken to correct the situation, and
- c. What additional action may be taken if step b is disregarded (items 2 through 7 listed as follows).

2. Written Reprimand

A written reprimand shall be sent to the utility for violating the Policy or its permit provisions when the utility does not comply with verbal request.

The written reprimand shall contain the same information as the verbal request and shall serve as documentation for the violation. The Department shall be responsible for writing and sending this reprimand.

3. Suspension of Work Activities

If a responsible person of an inspected work site fails to comply with a verbal request, the inspector may order the suspension of all work activities at the site.

If the county highway commissioner cannot be contacted, the patrol supervisor, engineer, or permit coordinator shall be notified.

The Department shall then contact an authority of the utility to explain why the operation was suspended and what action needs to be taken before work can resume.

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4. Removal of Installed Facilities

Any facility installed by a utility shall be in the locations shown on the approved permit. If such a facility is discovered in an unacceptable location and the utility is notified, the utility shall have two week's response time to decide on its corrective action. If the utility fails to take corrective action, the Department shall take action to have the facility relocated or removed at the utility's expense.

The permittee shall remove the improperly placed facility and put it in an approved location. If the utility fails to relocate its facility, the Department shall have the facility removed and bill the permittee for such work.

5. Permit Revocation

When a utility continues to be in noncompliance with the Policy or its permit provisions, the Department may revoke the utility's permit. The utility may reapply for a permit to the Department when it can demonstrate a good faith effort to comply.

6. Public Service Commission (PSC) Notification

Continued violations by a utility of the Policy or its permit provisions may cause the Department to notify the PSC and request its assistance in correcting the situation.

7. Withholding Approval of Future Permits

Continued violations by a utility of the Policy or its permit provisions may cause the Department to withhold approval of permit applications for that utility until the violations are corrected to the satisfaction of the Department. The severity and number of written reprimands against a utility may serve as a guide in determining future permit approval.

C. Procedures

When a utility site is inspected by the Department or its representative to determine compliance with the Policy, the following procedures may be utilized:

1. Inspection of Work in Progress

Upon reaching a work site, the inspector shall locate a responsible person and ask to review and discuss the utility operation. If applicable, a review of a copy of the permit which the utility or its contractor is required to have available at the site shall also be performed.

If the inspector decides that changes to the operation are needed in order to bring it into compliance with the Policy or provisions of its permit, then a verbal request is the first corrective measure which shall be taken [see (B)(1)].

2. Inspection of Completed Work

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After a permitted operation has been completed, the utility is required to notify the Department that work on the permit is complete and the job site is subject to an inspection by the Department. If the work was done in violation of the Policy or the provisions of the utility's permit, then a verbal request is the first corrective measure which shall be taken [see (B)(1)]. The utility shall have two weeks' response time to decide on its corrective action.

D. Immediate Action (Work in Progress)

When a utility operation of installation is not in compliance with the Policy or the provisions of its permit and is adversely affecting public safety, the inspector shall take immediate action.

If a responsible person refuses to comply with the verbal request and does not take immediate corrective measures to ensure public safety, the inspector shall then shall the local law enforcement agency to have the utility or its contractor(s), subcontractor(s), or consultant(s), removed from the Department's right-of-way. The inspector shall also take corrective measures to return the highway to a safe operating condition.

96.08 Environmental Conditions

A. Introduction

This Policy specifies responsibilities and the procedures that a utility shall follow when environmental conditions are encountered in the right-of-way. These conditions include, but are not limited to: 1) archeological sites, 2) historic structures, 3) contaminated soils, 4) underground storage tanks (UST's), and 5) leaking underground storage tanks (LUST's).

B. Department Responsibility

The Department shall notify a utility when its facilities may be affected by a proposed improvement project. If the utility confirms that its facilities are in the vicinity of the improvement, the Department shall mail the utility at least that portion of the improvements plan that concerns those facilities. The Department shall also provide any additional and duplicate plan information needed by the utility to design and lay out the removal, relocations, or adjustment of the existing utility facilities and the placement of relocated or additional facilities within the project limits. This includes furnishing a utility with information regarding any environmental conditions if site assessments are performed as a required part of the Department's project investigation. This information shall be considered for **"informational purposes only"** since data may change from the time an investigation is completed until the time a report is reviewed.

C. Utility Responsibility

The utility shall be responsible to perform a site assessment for its own facilities. Utilities which obtain a permit from the Department shall be solely responsible for surveying the right-of-way for environmental conditions solely for its own purpose where utility construction or utility maintenance will occur to determine if said area is an endangered species habitat. The utility shall be fully responsible for preservation or mitigation of said habitat in compliance with regulations

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promulgated by the Wisconsin Department of Natural Resources (DNR). Areas of concern are habitat for Karner Blue Butterfly and any other species specified by the DNR.

D. Site Assessments

If contacted, the Department will provide any information is has available on environmental issues under the public records law.

When a utility needs to do site assessments (investigations), the procedures listed in the Wisconsin Department of Transportation's "Facilities Development Manual" may be used as a guide. Specifically, Chapter 26 has information on archeological and historical assessments, and Chapter 21, Section 35, has information regarding contaminated site assessments. Copies of these can be obtained from the Department.

The Department recommends that site assessments be performed by a qualified historian, archeologist, or environmental consultant if the utility does not employ personnel specifically qualified for this work.

E. Discovery of Environmental Conditions

Whether the discovery of environmental conditions occurs during a site assessment, facility installation, or maintenance operations, **ALL WORK SHALL BE SUSPENDED IMMEDIATELY**. Failure to do so may result in financial responsibility (see Section G) for the utility due to subsequent site assessments, mitigations, remediation, or possible fines. Specifically, if a utility fails to comply with Section E of this Policy, it may be responsible for a percentage of the costs depending upon how much worse the situation became due to the utility's action. A checklist has been developed (appendix 96.97) to help utilities obtain the necessary information which may be asked of them by site investigators.

If the site poses a possible health risk, the local police and fire Departments shall be notified immediately and the utility shall take the necessary steps to provide for the safety of people and property in the area. After suspended operations, the utility shall contact the offices listed below depending upon the type of conditions discovered:

NOTIFICATION TABLE (Note: CALL ALL THAT APPLY)	
Utility Discovers Environmental Conditions while Working on Department of Right-of-Way	
Category	Please Call
Archeological Sites or Historic Structures	
Historic structure	State Historic Preservation Office 608-264-6506
Archeological site	State Historic Preservation Office 608-264-6507
Burial	Burial Sites Preservation Office 608-264-6503 or 800-342-7832
Utility project but no Department project	The Department

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Department project	The Department
Contaminated Soils, UST's, LUST's etc.	The Department
Local Department of Natural Resources Office (1)	See appendix 96.96 for contacts
Utility project but no Department project	The Department
Department project	The Department
(1) Required under Wisconsin law.	

The Department will notify the utility when it can resume its operation.

F. Utility Facility Placement Options

When environmental conditions are discovered in the right-of-way, the Department of Natural Resources (DNR) or State Historic Preservation Office (SHPO) shall determine whether a utility can locate its facility within the affected area. Based upon their decisions, the following may occur.

1. The utility entirely avoids the affected area:
 - a. The DNR or SHPO mandate that the area shall be left in its natural state and no utility facilities shall be allowed in the area.
 - b. The utility decides that it wants to locate in another area and avoid possible delays to its project due to site assessments, remediation, and mitigation, of possible decisions noted in 1a.
2. The utility can locate around or through the affected area:
 - a. The DNR or SHPO orders the site to be completely remediated or mitigated before any utility installation can take place. The utility would then have a clear corridor in which to locate its facility.
 - b. The DNR or SHPO decide that the area can be left in its natural state, but any area that is disturbed or affected by the utility operation (based upon DNR's or SHPO's assessment) has to be remediated or mitigated. The utility may also elect to go around the area, if possible, and avoid remediation or mitigation after getting approval for a permit revision.
 - c. The DNR or SHPO decided that the area can be left in its natural state, and conditions do not have to be remediated or mitigated as long as the utility exercises extreme care to avoid any significant disruption to the area. In the case of an archeological or historical site, a utility may be allowed to place a facility in an area that was already disturbed. In the case of a hazardous materials site, a utility would have to utilize construction methods that would prevent any contamination from spreading.

Unless the Department has taken charge of the remediation or mitigation process due to a Department project, a utility that decided to locate its facility through an affected area, as described in 2a, b, and c, shall document in its permit application that it has contacted the DNR or

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SHPO and has received the proper authorization to locate in the area along with its proposed construction methods. The utility will be responsible for all associated costs.

G. Financial Responsibility

When a utility performs an initial site assessment on Department right-of-way-either with a project of its own or because a Department project is not required to obtain environmental information-the utility shall bear the cost of the assessment. If an environmental site is exposed, a DNR assessment must be performed. No matter who performed the initial assessments or even if they were not done, a utility that discovers any environmental conditions shall not be responsible for assessment, mitigation, or remediation costs provided it had complied with Section E of this Policy and avoids the site by placing its facility in another permitted location. The following table specifies who may have to pay for assessment, mitigation, or remediation costs depending upon the situation:

FINANCIAL RESPONSIBILITY TABLE Utility Discovers Environmental Conditions while Working on Department of Right-of-Way AND DECIDES TO LOCATE IN THE AFFECTED AREA	
Category/Activity	Who Pays for the Activity
Archeological Sites of Historic Structures	
A) Site Assessments (Identification or evaluation surveys) [1]	
-Utility project but no Department project	Utility
-Department Project	Utility or Department [2]
B) Mitigation [1]	
-State Historic Preservation Office order	Utility
-No State Historic Preservation Office order	Utility
Contaminated Soils, UST's, LUST's, etc.	
C) Site Assessments	
-Utility project but no Department project	RP* or Department or Utility[3]
- Department project	RP* or Department or Utility[3]
D) Remediation	
-Department of Natural Resources order	RP* or Department or Utility[3]
- No Department of Natural Resources order	Utility
1. Department Policy is to not spend available resources for assessments of mitigation, but rather to preserve archeological sites and historic structures in place. This is in accordance with Section 106 of the National Historic Preservation Act. 2. Applicable only when the Department is required to obtain environmental information for its project. 3. Specifically, if a utility fails to comply with Section E of this Policy, it may be responsible for a percentage of the costs depending upon how much worse the situation became due to the utility's action. If the Department is not the RP[4], the utility which incurs costs due to encountering contaminated soils, UST's or LUST's will have to recover them from the RP* * RP=Responsible Party (owner of the source of the hazard as determined by DNR)	

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96.10 Permit Requirements

A. Need for a Permit

A utility shall obtain a permit from the Department before any use or occupancy of Department highways is allowed. This includes utilities that want to occupy an existing pole line or duct system (e.g., CATV attaching to another utility company's existing poles). Exceptions to this are enumerated in Policies 96.61 through 96.64.

B. Permit Authorization to Use and/or Occupy Right-of-Way

By issuance of a permit, the Department formally indicates that, subject to all applicable permit conditions, a specified use and/or occupancy of right-of-way is not adverse to the highway interests at the time of the permit approval.

The Department does not warrant that public title to the right-of-way is free and clear, does not certify that it has sole ownership, and does not indicate any intention to defend the utility in its peaceful use and occupancy of said lands.

The permit does not transfer any land, nor give, grant, or convey any land right, right in land, or easement subject to applicable statutes.

Written authorization from the Department does not relieve the utility from compliance with all applicable federal and state laws and codes, and local laws and ordinances which affect the design, construction, materials, or performance of its work. The Department's authorization shall not be construed as superseding any other governmental agency's more restrictive requirements.

The utility should retain a copy of the permit in its files during the entire time the facility is located on, over, or under the Department's right-of-way and shall have a copy available at the job during construction.

All utility permits issued by the Department are revocable for cause as provided herein. Policy 96.07 highlights the steps that may be used by the Department in order to revoke a permit.

96.11 Required Information

A. General Policy

A utility's request to use and occupy the right-of-way cannot be considered until adequate information is provided regarding its proposed work. The amount of detail will vary with the complexity of the installation and the highway involved, but must include the appropriate permit form, dimensioned drawing or sketches, and installation information so that the effect of the highway operation, traffic safety, and visual qualities can be evaluated. If the proposed work will take place within the jurisdictional limits of a city, village, or town that issues permits for the construction, operation, or maintenance of utilities, the utility must secure a city, village, or town permit and append a copy of the permit to its permit application to the Department.

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B. Permit Application Forms

Utilities shall only use the single-page permit application forms which are made by the Department. Alteration of the permit form by the applicant is prohibited and shall be just cause for application rejection or permit revocation. Electronic versions of the permit form are also prohibited.

One original, with an authorized signature, plus two copies of the permit form shall be submitted per application to the Department via regular mail, courier service, or delivered in person. The copies may be reproduced from the original. If the utility has an annual service connection permit, location drawings for the service may be submitted by fax or other method at least three working days prior to the start of work. See Policy 96.12 for details.

The telephone and pager number of the applicant's local contact person and person in charge of construction shall be included on each permit form.

The current County permit form, CU-99-1, is shown in appendix 96.93. This form can be obtained by ordering from the Wisconsin Counties Association (WCA) by calling (608) 663-7188.

C. Permit Limits

The permit application shall include the limits (project endpoints) of all proposed work. If the utility facility extends into more than one county, a separate permit application shall be submitted for each county.

The permit authorizes only the described work of and for the applicant indicated on the face of the permit. The permit shall not grant authority for the present or future installation of any other facility.

D. Permit Drawings

Each permit application shall contain adequate drawings showing the proposed location of the utility facility within the right-of-way with respect to the existing highway or any proposed highway improvement and any existing utility facilities. The details shall include dimensions from the proposed utility installation to the commonly accepted right-of-way line and edge of the traveled way.

For highway crossings, a cross-section detail showing depth of bury or overhead clearance is required along with the location of any bore pits (if needed). A distance reference from the crossing to the nearest public roadway intersection is also required. Land ties (e.g., approximate distance from the proposed facility to side toad intersections(s), county line, etc.) shall be submitted with all permit drawings.

E. Installation Information

The utility shall provide the following installation information:

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1. This information shall include, but is not limited to, a general description of the location, size, type, nature, and extent of the utility facilities to be installed to be adjusted, and the impact on the utility's existing facilities to remain in place within the right-of-way.
2. The Department may require a utility to provide a description of proposed construction procedures special traffic control and protection measures, proposed access points, coordination of activities with the highway contractor, or trees to be removed.
3. When an attachment to a structure is proposed, the Department shall request additional information. This information may include, but not limited to, bridge number, weight of lines, hanger spacing, hanger details, and expansions/contraction details.

See Policy 96.23 for additional requirements regarding structure attachments.

F. English Units

The Department is expecting to work exclusively with English units which shall be used on all permit forms.

96.12 Annual Service Connection Permits (ASCP)

A. General Policy

Typically, a utility shall obtain a permit from the Department before installing any type of service line that requires a connection from an existing distribution facility within the right-of-way. However, the Department recognizes that a utility must respond promptly to its customers when they request service connections for their homes or businesses. In order to help expedite the process, a utility may apply for an Annual Service Connection Permit (ASCP) from the Department which bypasses the normal permit approval process and fax proposed service location permit.

This Policy does not affect Policy 96.05, Emergency Work. Approvals for emergency service connections should still be handled by a phone call to the Department.

All work described in this Policy shall comply with the entire Utility Accommodation Policy. Any ASCP issued to a utility does not supersede the authority of other governmental agencies' more restrictive requirements.

B. Application Information

A utility shall use the Department's standard permit form, CU-99-1, to apply for an ASCP which shall be sent to the Department for review. The ASCP shall only be effective during the calendar year and in the district and county in which it is issued. Hence, a utility may want to obtain additional ASCP's if its service territory crosses county district boundaries. A copy of the ASCHP shall be kept on the job site at all times. To properly fill out a CU-99-1 form to make it into an ASCP, see Figure 1.

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The Department may reject an ASCP application if a utility has been delinquent in rectifying previous or current installations which violate the Policy (e.g., site restoration). In addition, the Department may suspend or permanently revoke an ASCP due to Policy violations.

C. Coverage

The ASCP shall pertain to service connections only. In addition, an extension of the existing distribution line up to 300 feet is allowed to facilitate the installation of the service. Both overhead and underground short-sided (same side of highway and distribution line) service connections are allowable. See Figures 2 and 3. Long-sided (opposite side of highway as the distribution line) service connections are also allowable, but may be limited underground installations. See Figures 4 and 5.

D. Implementation

Once as ASCP has been approved by Department, a utility shall implement the following process to obtain approval for installing a service connection. A utility shall submit, by fax or other method, a location sketch of the proposed service Department review at least three business days prior to the start of the work. A copy of the utility's work order may be sufficient for this. The information provided shall include the:

1. Utility's ASPC number
2. County name and town, range, and section numbers.
3. Distance from the nearest intersection to the service line.
4. Name of the utility and employee who needs the Department's reply along with that person's phone and fax numbers.

An ASCP does not authorize a utility to start work. The Highway Commissioner or his/her designee shall notify the utility within three working days of receipt of the utility service connection request when it is okay to proceed with the proposed service work-usually by phone or return fax unless another method is specified by utility. If the utility does not hear from the Highway Commissioner or designated representative prior to commencing work, it should call the Department.

E. Work Restrictions

If a utility cannot meet all of the conditions listed below, then it shall obtain a regular permit for the specific service connection. Under an ASCP, all work shall be done.

1. Without any interference or disruption to traffic. Exceptions may be granted for low-volume (500 ADT or less), two-lane rural highways.
2. Without open cutting the pavement, paved shoulders. Or medians.

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3. For long-sided connections, using untrenched construction techniques only. Any boring machine that is used shall not be guided from the highway surface. The use of the median area is prohibited [Policy 96.24 (B)]-even to check or guide the boring machine. Boring shall be accomplished no closer to the highway than the toe of in slope or back of curb in accordance with Policy 96.53 (B). The bore shall be perpendicular to the highway. Overhead, long-side service connections may be allowed on low-volume (500 ADT or less), two-lane rural highways during off-peak travel hours. The use of law enforcement officer to stop traffic may be required.

96.13 Application Modification

The Department has the right to modify the utility's permit application as necessary to protect the highway interests. The modifications may be more restrictive than what was originally proposed. The permit, as approved, shall embody the conditions to which the utility shall comply in order to use or occupy the right-of-way. Changes to the permit could include, but are not limited to, changing the traffic control plan, utility location due to conflicts, or utility locations due to field conditions.

96.20 Location Requirements

A. General Location

Utility facilities shall be located in such a manner in order to minimize the need for later adjustment to:

1. Accommodate proposed highway improvements.
2. Permit servicing or expanding such lines without obstruction or interference to the free flow of highway traffic.
3. Provide adequate vertical and horizontal clearance between and underground utility facility and a structure or other highway facility to allow maintenance of all facilities.
4. Be outside of the 45-degree cone of support for the footings of all highway structures.

B. Crossing Location

Utility facilities shall cross the highway on a line as nearly perpendicular to the highway alignment as possible.

Conditions which are generally unsuitable or undesirable for underground crossings should be avoided.

Crossing locations to be avoided include:

1. Deep cuts.
2. Near footings of bridges or retaining walls.
3. Across highway intersections at grade or ramp terminals.

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4. At cross drains where the flow of water may be obstructed.
5. Within basins of an underpass drained by a pump.
6. In wet or rocky terrain where it will be difficult to attain minimum bury.

C. Underground Longitudinal Location

The longitudinal location of underground utility facilities within the right-of-way shall provide as much clearance from the traveled way as conditions will allow. Such lines shall be on uniform alignment and be located at or as near as practical to the right-of-way. To maintain a reasonably uniform alignment, location variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way limits.

D. Above Ground Longitudinal Location

The longitudinal location of above ground utility facilities shall be outside of the clear zone. Such lines shall be on uniform alignment and be located at or as near as practical to the right-of-way line. Exceptions may be granted when no other location is feasible or when the clear zone extends to the right-of-way line.

If any above ground utility facility is within the clear zone or is determined to be in a location that has a higher than average accident potential, the Department may require:

1. The utility facility to be of approved yielding of breakaway construction, or
2. The utility facility to be protected by a Department-approved barrier such as beam guard, crash cushion, etc.

To maintain a reasonably uniform utility alignment, locations variances may be allowed when irregular-shaped portions of the right-of-way extend beyond the normal right-of-way.

E. Existing Utilities

When a utility facility exists within the right-of-way of an existing or proposed highway, it may remain provided it does not adversely affect highway safety based on sound engineering judgment and economic considerations of the roadway improvement cost and utility moving cost. The existing facility shall be relocated if:

1. It conflicts with any construction activities, or
2. It is located longitudinally under the pavement or shoulder for a reconditioning or reconstruction project.

Exceptions may be granted for 1 and 2 above based on sound engineering judgment and economic considerations.

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F. Subsurface Utility Engineering

The use of Subsurface Utility Engineering (SUE) to locate buried facilities is approved by the Department. Any utility installation SUE shall be noted on the permit form.

96.21 Appurtenances

A. General Policy

Appurtenant facilities such as pedestals, manholes, vents, drains, rigid markers, valve and regulator pits, etc. should be located outside of the clear zone and near or at the right-of-way line. Manholes, valve pits, etc. should be installed so that their uppermost surfaces are flush with the adjacent undisturbed surface.

B. Buildings

Buildings shall not be located on the right-of-way. Exceptions may be granted in cases where the building can be located on Department-owned right-of-way other than a county trunk highway. Examples of this include, but are not limited to, park-n-ride lots, rest areas, and remnant parcels. Buildings shall still be located outside of any clear zone, if applicable.

C. Cabinets

Cabinets should not be located on the right-of-way. When cabinets are allowed on the right-of-way they shall be placed at a location not vulnerable to an errant vehicle and at or as near as practical to the right-of-way line. Foundations beneath cabinets shall be flush with the existing ground or proposed ground slop if associated with a roadway construction project.

D. Manholes

Manholes shall not be located in the pavement and should not be located in the shoulders of heavily traveled highways. Exceptions may be made on highways where manholes are essential parts of existing lines. New manholes installations shall be avoided at highway intersections.

96.22 Vertical Location

A. Underground

The depth of bury for underground facilities within the right-of-way shall be a minimum of 24 inches as measured from the finished ground surface to the top of the facility except under ditch bottoms where it shall be a minimum of 30 inches at the time of installation.

The depth of bury for underground facilities crossing the highway shall be a minimum of 30 inches as measured from a straight line connecting to the lowest points of the finished ground or pavement surface on each side of the right-of-way to the top of the facility at the time on installation.

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When a permit is requested by a utility and a future road project is anticipated, the utility may be required to bury deeper in accordance with the Department's plans.

Where minimum bury is not feasible, the facility shall be rerouted or protected with a casing, concrete slab, or other suitable measures. In solid rock, the depth of bury may be reduced if adequate protection is provided. All utilities shall obtain prior approval from the Department before burying any facility less than the minimum depth required.

B. Overhead

Vertical clearances for overhead utility facilities installed after January 1, 200 shall comply with all applicable state and national electrical codes. In all cases, facilities crossing over the highway shall at no time be less than 17 feet above the high point of the traveled way. All pre-existing facility clearances before January 1, 2000 are grandfathered under the applicable state and national electric codes in effect at the original date of installation. Unless otherwise agreed to by the utility and the Department, facility clearances affected by the normal and emergency work activities as defined in the maintenance section of this Policy, which do not require a new permit, are also grandfathered.

96.23 Installation on Structures

A. General Definitions

Attachments to highway structures should be avoided. However, attaching utility lines to highway structures may be permitted when they do not materially affect the:

1. Structure design and appearance.
2. Safe operation of traffic.
3. Efficiency of maintenance.

The utility shall be responsible for all Department costs associated with such attachments. This includes, but is not limited to, additional design time, increased bridge deck thickness, and future bridge maintenance (painting and inspection).

B. Installation Location Requirements

When a utility facility is attached to a structure, the installation shall be located:

1. Beneath the structure floor.
2. Inside the outer girders or beams or within a cell.
3. At an elevation above low superstructure steel or masonry which would not inhibit bridge inspections or repairs.

A utility facility may locate within the highway structure's deck for new construction or deck reconstruction projects if the utility notifies the Department in advance of or while the structure is being designed.

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C. Installation Openings

The openings created in the bridge abutments to allow passage of the permitted facility shall be of the minimum size necessary.

1. The opening in the abutment around the permitted facility shall be completely filled to seal the opening and effectively preclude the leakage of any moisture or backfill material through the abutment.
2. If the utility sleeves the facility through the abutment, the sleeve shall be tight-sealed into abutment. Any space between the sleeve and facility it encloses shall be sealed.

96.24 Median Installations

A. General Policy

On both crossing installations and longitudinal installations, poles, guys, or other related facilities shall not be located in a highway median. The Department may grant an exception for a crossing installation on a freeway or expressway. See policies 96.32 (b) and 96.35 for freeways and 96.42 for expressways.

B. Median Work

No work shall be performed in the median of any highway without prior approval from the Department.

When median work is authorized, it shall conform to the following provisions unless otherwise stated within a utility's permit:

1. The permittee or its contractor shall notify the county sheriff/local law enforcement agency or the expected beginning and completion time of work in the median.
2. All equipment, operations, and spoil material shall be located within the center area of the median.
3. No openings, vehicles, equipment, or materials of any type shall be located within the median overnight.
4. All vehicles used to conduct the work operation shall be equipped with conspicuously visible roof-mounted revolving or strobe lights. These shall be in operation prior to and during the work operation. Hazard warning lights on the vehicles shall also be operating.

96.25 Breakaway Construction

Breakaway of yielding facilities along the highway should be set as far back as feasible to prevent a pole or other device from falling onto the traveled way when struck by an errant vehicle.

Foundations beneath breakaway poles shall be flush with the ground.

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96.26 Scenic Considerations

A. General Policy

When feasible, the Department strives to enhance visual qualities of the highway system by:

1. The retention and/or planting of trees, shrubs, and other vegetation.
2. The selection of special alignments and corridors.
3. The acquisition of scenic easements.

Utilization of highways by utilities requires that the type and size of its facilities and manner and extend of its installations shall not materially impair the scenic quality, appearance, or view of highway roadsides and adjacent areas.

B. Scenic Areas

Areas which have been acquired or set aside for their scenic quality, such as scenic strips, overlooks, rest area, recreation areas, public parks, historic sites, etc., and the right-of-way which traverses these areas, are in a special category and new utility installations shall not be permitted except as provided in this section.

1. New underground utility installations may be permitted within scenic areas when the installation does not require extensive removal or alteration of trees or other natural features visible to the highway user and does not impair the visual quality of the lands being traversed.
2. New overhead installations shall be prohibited at such locations where there is a feasible and prudent alternative to the use of the scenic areas by the overhead facility. When this is not the case, installations will be considered only where:
 - a. Other locations are usually difficult, unreasonably costly, or are undesirable from the standpoint of visual quality.
 - b. An underground installation is not technically feasible or it is unreasonably costly.
 - c. The proposed installation can be made at a location (and will employ suitable designs and materials) which gives adequate protection to the visual qualities of the area being traversed.
3. These controls shall also be followed in the location and design of utility installations that are needed for a highway purpose, such as for continuous highway lighting, or to serve a weight station or rest or recreational area.

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96.30-35 Freeways

These sections are not being printed with this Policy but are hereby accepting Wisconsin Department of Transportation's current version of these and the reader is directed to them.

96.40-44 Expressways

These sections are not being printed with this Policy but are hereby accepting Wisconsin Department of Transportation's current version of these and the reader is directed to them.

96.50 Construction Requirements

A. Permit at Job Site

When the Department issues a permit to a utility for its proposed work, a complete copy of the permit shall be in the possession of the utility's work force, consultant, contractor, or subcontractor at all times when utility work is being performed within the right-of-way. This includes the Annual Service Connection Permit (see Policy 96.12) when appropriate.

B. Use of Highway Median

Any use of a highway median is prohibited unless specifically authorized by a permit. See Policy 96.24 (B) for specific conditions that shall be met if median work is permitted.

C. Use of Temporary Guard Pole

No guard pole shall be set within the right-of-way unless specifically authorized by permit. By definition a guard pole is used to prevent aerial lines from falling onto the traveled way. Any guard poles permitted in the clear zone shall comply with Policy 96.20(D).

D. Unexpected Field Conditions

Any modification of the terms of the approved permit to meet changed or unexpected field conditions shall require prior approval from the Department.

E. Blasting

Blasting on the right-of-way is prohibited unless specifically authorized by a permit.

F. Survey Markers

No Department survey marker (e.g., right-of-way marker, benchmark, etc.) shall be disturbed unless prior approval has been obtained from the Department. In addition, other survey markers [e.g., United States Geological Survey (USGS), County, etc.] located in Department right-of-way shall not be disturbed unless prior approval is obtained from their owner(s).

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Any Public Land Survey (PLS), Certified Survey Map (CSM), or Department survey marker that is disturbed, removed, or destroyed shall be restored by the utility at its expense under the supervision of a registered land surveyor or county surveyor. (Reference: sec. 59.635 and 236.32, Stats.)

G. Vegetation

No tree or shrub shall be sprayed, cut, trimmed, or damaged to facilitate the installation of a utility facility unless specifically authorized by a permit. Vegetation which is proposed to be damaged or destroyed may have to be replaced at the discretion of the Department. When the removal of a tree is permitted, the stump shall be removed and the hole properly backfilled or cut flush with the ground upon approval from the Department. At no time shall trees or shrubs be cut on Department right-of-way in front of a property owner's home, yard, barn, etc. without approval of the Department.

Utilities should be aware of rare or endangered plant species or animal and insect species that feed off of native vegetation* in the right-of-way that must be protected or avoided by law. Utilities may receive assistance in identifying these areas by calling the local Department of Natural Resources office. The chipping or grinding of trees may be allowed by the Department on a permit-by-permit basis. This includes spreading the resulting mulch evenly over the right-of-way such as not to leave mounds or humps or interfere with drainage.

*For example, the Karner Blue Butterfly is currently an endangered species that feeds off the wild lupine plant.

H. Completion Notice

Upon completion of permitted work and restorations, written notice shall be filed within 10 calendar days with the Department indicated on the face of the permit.

I. Highway Signs

A utility shall not remove any highway sign unless approved in its permit.

96.51 Traffic Control

A. Authority

All traffic control for utility work performed on Department highways shall abide by:

1. The current Wisconsin Manual on Uniform Traffic Control Devices (MUTCD)
2. Section 643 in the current edition of the Wisconsin Department of Transportation's Standard Specifications for Highway and Structure Construction.
3. Traffic control will be in accordance with appropriate diagrams found in

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the Wisconsin Department of Transportation Booklet titled “Work Zone Safety Guidelines for Construction, Maintenance, and Utility Operations, January 2003.

4. The specific provisions within this section.

The standards set forth in the Wisconsin MUTCD and any supplements thereto are minimum guidelines, and additional traffic control shall be used when necessary.

B General Policy

All utility work shall be planned and prosecuted with full regard for safety and to keep interference with highway traffic to a minimum. On heavily traveled highways, utility work interfering with traffic may not be allowed during periods of peak traffic flow. Any such work allowed shall be planned so that closure of intersecting street, road approaches, or other access points is minimized. No utility work shall begin until all required warning signs, devices, and methods adequate to protect the public are in place and fully functional. These shall be maintained until all utility work is completed.

All operation shall be performed without closing all or obstructing part of any highway traffic lane unless it is approved by Department and proper traffic control is specified.

All warning signs shall have reflectorized sheeting which, beginning January 1, 2003, shall comply with 643.2.12.2 of Wisconsin Department of Transportation’s Standard Specifications for Highway and Structure Construction, current edition. Warning signs shall be removed, covered, turned, or laid flat when workers or workers’ vehicles are not at the job site or when the signs’ messages are not relevant. All barricades and barrels shall be reflectorized with Type H reflective sheeting as a minimum. Cones used during nighttime operations shall be at least 28” in height and reflectorized.

C. Traffic Control Selection

1. Factors

When selecting the appropriate traffic control, considerations shall be given to such factors as:

- a. Physical characteristics of the road
- b. Available sight distance
- c. Traffic volume
- d. Time of day
- e. Posted speed limit
- f. Weather

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- g. Light conditions
- h. Lane closure may require flagging

2. Long Term Duration

All stationary daytime utility work which takes longer than one hour to perform should utilize the six traffic control diagrams. The Department may require a more extensive traffic control plan if any of the following situations occur:

- a. Utility work performed during nighttime hours.
- b. Traffic control which is required overnight to protect the work zone(s) during non-work times.
- c. Utility work performed in a continuously moving work zone. This excluded moving from one stationary work zone to another.
- d. Utility work which cannot be adequately protected by using the six traffic control diagrams.

3. Short Term Duration

Daytime utility work that will be completed in one hour or less usually may not require the use of a formal traffic control plan or the six traffic control diagrams. The utility is still responsible for providing traffic control adequate to protect public safety.

As part of this traffic control, all utility vehicles shall have their high intensity flashing (strobe or revolving) and hazard warning lights operating. Additional traffic control such as guard (shadow) vehicles and impact attenuators may also be utilized.

96.52 Work Site Safety

A. General

The utility is responsible to assure that the work site is secure against any hazard to the public at all times until all of the work is completed. Vehicles, equipment, and materials which are in active use at the work site shall be regulated by the utility as to assure consistently safe conditions.

Sheeting, shoring, bulkheads, or temporary/permanent concrete barriers, etc. may be ordered by the Department if considered necessary to protect the highway and the traveling public.

B. Equipment/Material Storage

Utility hardware or equipment which is located at the work site but not in immediate (same day) use should be stored in a safe location off of the right-of-way. If this is not practical, the

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equipment or material may be stored beyond the clear zone and as close to the fence or right-of-way line as possible.

C. Vehicle/Equipment Visibility

Vehicles and equipment shall have their high intensity flashing (strobe or revolving) and hazard warning lights operating when they are within the clear zone during work operations.

D. Individual Conduct

All Department, county, utility, and contractor personnel who are out of their vehicles and within the right-of-way should wear their retro-reflective safety vests at all times. During daytime hours only the use of a highly visible, non-reflectorized shirt or jacket is acceptable in lieu of safety vest. Colors commonly used for these garments include, but are not limited to, orange, lime-green and yellow-green.

96.53 Special Provisions

A. Trenched Construction

Trenched construction and backfill shall provide for the:

1. Restoration of the structural integrity of the highway facility (see Appendix 96.65)
2. Security of the facility against deformation likely to cause leakage.
3. Assurance against the trench entrapping excessive moisture of becoming a drainage channel.
4. Assurance against highway drainage being blocked by the backfill.

When necessary, trenches for underground utility facilities shall be backfilled with material excavated from the trench and necessary outlets shall be provided to prevent entrapment of water. Under drains shall also be provided where necessary.

The utility installation shall conform to the Wisconsin Department of Transportation's applicable Standard Specifications for Highway and Structure Construction, current edition, for earthwork, culvert, or other utility work within in the right-of-way.

The Department may require that backfill and repaving be performed by county forces at the expense of the utility.

B. Untrenched Construction

Untrenched construction shall be required for all underground utility crossings of all highways that have paved surface and are open to traffic unless specifically authorized in the permit.

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Untrenched installation of utility facilities may be accomplished by tunneling, driving, coring, and/or dry boring. Wet boring under the highway shall be prohibited unless specifically authorized in the permit.

Boring shall result in a close fit to the facility being installed. Untrenched construction shall, as a minimum, extend beneath the entire highway prism (from toe of in slope to toe of in slope or from back of curb to back of curb). Ground openings or pits for such work should be located outside of the clear zone and shall not interfere with highway drainage.

When specifically authorized by the Department, the extent of the untrenched crossing may be reduced or eliminated where such construction methods are impractical or physically restricted by the terrain.

C. Non-Metallic Lines

Any non-metallic pipe, cable, or other kind of utility which lacks a continuous and integral metallic component capable of detection by locating instruments shall be accompanied in its location by a continuous detectable metallic tracer wire or metallic tape.

D. Casing

Where crossings by underground lines are encased in protective conduit or duct, the encasement shall extend at least two feet beyond the toe of slope or three feet beyond the ditch line. On curbed sections it shall extend at least outside the outer curbs.

96.54 Cleanup and Restoration

A. Work Site Cleanup

All debris, refuse, and waste resulting from the utility's activities shall be removed from the site and the motorists' view unless otherwise provided by permit. Burning of cuttings, brush, or other debris shall not be permitted within the limits of the right-of-way. Also see Policy 96.50 (G) regarding chip spreading.

All replaced poles shall be completely removed from the highway. No replaced pole shall be allowed to remain, in whole or in part, and it shall not be sawed off. The pole's hole shall be properly backfilled and compacted. All anchor rods shall be removed or cut off one foot below ground level.

B. Highway Restoration

The utility shall be responsible for restoring the highway and the adjacent right-of-way to its original (as close as possible) condition within two weeks after completion of the facility installation. Exceptions may be allowed (e.g., in the case of bad weather) with prior installation. Failure of the utility to make prompt and satisfactory restorations of the highway or adjacent right-of-way may cause the Department to arrange for restoration by others at the utility's expense.

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Any curb, gutter, pavement, sidewalk, driveway, gravel base, ballast, shouldering, material, or other highway element disturbed by the utility shall be restored to the qualities, grades, compactions, conditions, etc. in accordance with the Wisconsin Department of Transportation's Standard Specifications for Highway and Structure Construction, current edition. Any subsequent heavings, settlements or other faulting attributable to the permitted work shall be repaired in a manner satisfactory to the Department at the utility's expense. Appendix 96.95 shall be used as a guide for backfilling excavation operations.

Any turfed area of the highway disturbed by the utility shall be restored with topsoil to the depth that existed prior to construction within the right-of-way and reseeded to perennial grass or sodded to the satisfaction of the Department. Trees or vegetation which are damaged or destroyed shall be replaced in-kind unless specified in the utility's permit. Once replaced, the utility shall also maintain turfed areas, trees, and vegetation until they achieve sustained growth.

If, in the opinion of the Department, the permitted work or facilities are found to obstruct highway drainage, unduly increase the difficulty of highway maintenance, or in any other manner adversely affect a highway interest, the utility shall, upon notice, cure the fault as directed and restore the highway facility to the satisfaction of the Department.

96.55 Erosion Control and Storm Water Management

A. Authority

A utility shall assure that proper erosion control and storm water management measures are implemented at all times during work operations. The utility shall also be responsible for providing erosion control and storm water management measures to protect all restored areas upon completion of the project until the replacement vegetation achieves sustained growth.

B. Implementation

The Department has divided utility operations into two categories—minor and major—for the purpose of determining erosion control and storm water management plan requirements. When submitting its permit application, a utility shall check the appropriate box for the category in which it feels the proposed operation belongs. Based upon the information submitted, the Department has the option to change the category.

Should a change become necessary, the utility has some options. If the change is from the minor to major category, the utility may elect to submit an erosion control plan. It could also amend or revise and resubmit its permit application provided a change in work methods could place the utility operation into the minor category. If the change is from major to minor, the utility may still use its proposed erosion control plan.

C. Major Projects

1. Definition

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Major projects are defined as excavations which will not be restored in the same day or immediately the next day. Examples of utility projects that may fall under the major category include, but are not limited to, the following:

1. Grading on right-of-way.
2. Large, open pavements/shoulder cuts.
3. Large boring operations and boring pits.
4. Trenching operations.
5. Any project adjacent to a waterway which is **not** classified as “routine” under the DNR Waterway Crossings Agreement.

2. Specific Guidelines

Some key elements are highlighted as follows:

A utility shall submit an erosion control plan along with its permit application. The plan may be either in written or pictorial format or both formats. A utility may use Chapter 10 of the Wisconsin Department of Transportation’s Facilities Development Manual (FDM) or WCHA (DNR approved) Stand Erosion Control Plan as a guide in the proper selection, installation, and maintenance of erosion control and storm water management measures.

Drawings for some erosion control devices are also available in FDM_Chapter 16. Joint Department/utility field meetings may also be needed to review proposed erosion control and storm water management plans.

All required erosion control and storm water management measures shall be installed at the job site prior to the commencement of work. The utility shall notify the Department at least 24 hours before the installation of the measures. The utility should check the box on the permit application form that is aware of the notification requirement.

Comment: It is evident that with minor projects there is no need for a utility to have erosion control and storm water management measures in place prior to the start of construction. Therefore, prior notification to the Department is not required.

After the installation of the permanent erosion control and storm water management measures are completed at a site or when the temporary erosion control and storm water management measures are no longer required for their intended purpose, the utility shall remove all temporary erosion control and storm water management measures. A utility should be aware that after the installation or alteration of a facility a considerable amount of time (e.g., one to three months) may lapse between restorations of the right-of-way and removal of temporary erosion control measures. The Department will not consider a utility project to be “final” until the right-of-way has been restored, **and** all temporary erosion control measures have been removed. Failure to remove temporary erosion control measures shall be handled under the guidelines listed in Policy 96.07.

After completion of construction activities and the installation of permanent erosion control and storm water management measures, the utility shall promptly notify the

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Department which will render an inspection of the site. The purpose of this inspection is to ensure that all permanent erosion control and storm water management measures are adequate and functioning properly.

In the case of a project not administered by the Department, [inspections shall be performed by an inspector] at least once per week during the time construction or maintenance activity is being pursued on a project site.

“Inspector” means an employee or authorized representative of the Department assigned to make inspections.

The Department authorizes a utility to perform the once-per-week inspections required for a major project. The utility shall maintain a written record of the inspections and keep those notes on file for at least three years along with the utility’s permit.

D. Minor Projects

1. Definition

The Department is aware of various utility operations that disturb minor amounts of soil or, in fact, no soil. These “minor” projects shall not require a formal erosion control plan; however, a utility shall follow the guidelines listed in the next section. *Minor projects are defined as excavations which will be restored in the same day or immediately the next day.* Examples of utility projects that may fall under them minor category included, but are not limited to, the following:

- | | | | |
|----|---|----|---------------------------------------|
| a. | Overhead crossings | f. | Hand digging |
| b. | Pole installations | g. | Small boring operations |
| c. | Plowing operations | | (moles) |
| d. | Trenching operations | h. | Small open pavement/
shoulder cuts |
| e. | Any project adjacent to a waterway which is classified as “routine”
under the DNR Waterway Crossing Agreement. | | |

The DNR defines “routine” as water crossing a commonly simply plowed-in directional bored crossing.

2. Guidelines for Erosion Control

The utility shall respond to any soil disturbance by promptly replacing the soil and topsoil and/or temporary seeding and mulching the soil. This includes repairing equipment and vehicle tracks which also may disturb soil.

Erosion control devices such as hay or straw bales and slit fences shall be present at the job site or be immediately accessible in case changing weather conditions force a utility to take immediate action to project bare or loose soil. Soil piles left overnight shall be covered or protected with silt fence, etc. to prevent possible runoff.

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96.60 Specific Requirements

The following sections, 96.61 through 96.64, cover the various specific requirements relevant to communications, electric, fluids and gases, and private utility facilities.

96.61 Communications

A. Standards

The minimum standards for the design, construction, operation, and maintenance of communication-type utility facilities shall be those embodied in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances, or laws of government agencies having jurisdiction are more restrictive, they shall govern. When neither the Wisconsin Administrative Codes nor the local governmental regulations apply, the communication facility shall at least conform with the currently applicable National Electrical Safety Code.

B. Type of Construction

For above ground (overhead) installations, the following should be considered:

1. Single Pole

Any Longitudinal installations of overhead lines within the right-of-way should utilize single pole construction.

2. Joint Use

Joint use pole construction should be used:

- a. At locations where more than one utility or type of facility is involved.
- b. When the right-of-way widths approach the minimum needed for safe operations or maintenance requirements.
- c. When separate installations require extensive removal or alterations of trees.

C. Down Guy Locations

Guy wires to ground anchors and other supporting or bracing devices shall not be placed between a pole and traveled way where they would encroach upon the clear zone unless specifically authorized by the Department utilizing breakaway technology.

D. Maintenance Activities

Certain maintenance and other type of utility activities are considered minor in nature and all be allowed to be performed without an additional permit provided that such maintenance shall be performed in accordance with this Policy. However, should any of these selected maintenance

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activities be performed on facilities located within freeway right-of-way or significantly impact the free flow of traffic on any other highway (closure of travel lane, diversion of traffic, etc.) a permit shall first be obtained from the Department.

No additional permit is required for:

1. Repair or replacement of overhead service wire.
2. Repair or replacement of overhead cable and terminal hardware two spans or less.
3. Replace pole, same location, and maximum of 10 poles per 5-mile section.

Note: Once a new pole is installed, all attached facilities (electric, telephone, CATV, etc.) shall be transferred to the new pole in a timely manner. The old pole shall then be completely removed in accordance with Policy 96.54 (A).

4. Locate buried facilities.
5. Stake route for proposed buried cable.
6. Connect and test wiring at buried cable pedestal locations.
7. Cross arm, bracket, and hardware repair/replacement.
8. Add anchor, guy, or brace between pole and right-of-way line and no closer to traveled way the pole.
9. Trench a pole to maintain or increase roadside clearance.
10. Repair or replace overhead conductor 2 spans or less.
11. Line patrolling.
12. Inspection of manholes (includes water removal, cable tagging, and minor modifications, etc.)
13. Electrolysis surveys.
14. Test for location of underground lines.
15. Paint poles, towers, or cross arms.
16. Straighten pole, cross arm, or brace.
17. Test or treat existing pole.
18. Remove debris from overhead line.
19. Repair or add grounds.
20. Resag, reattach, or rearrange conductor.
21. Repair cable bonding.
22. Survey lines.
23. Replace pole tags and signs.
24. Reinforce existing pole.
25. Mark location of proposed pole/proposed cable.
26. Grass cutting or snow plowing.
27. Trim trees or remove brush for existing line.
28. Minor repair of lines (installation of buried splices, etc.).
29. Sign and marker installation/replacement.
30. Replace/remove line in existing duct.
31. Surveying and resetting reclosures.
32. Abandonment of underground facility shall be performed in accordance with 96.06(B) of this Policy.

96.62 Electric

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A. Standards

The minimum standards for the design, construction, operation, and maintenance of electric-type utility facilities shall be those embodied in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances, or laws of governmental agencies having jurisdiction are more restrictive, they shall govern. When neither the Wisconsin Administrative Codes nor the local governmental regulations apply, the electrical power facility shall at least conform to the currently applicable National Electrical Safety Code.

B. Additional Permit Information

For transmission-type installations, the permit shall specify the proposed operating voltage or voltages.

C. Type of Construction

For above ground (overhead) installations, the following should be considered:

1. Single Pole
Joint use single pole construction should be used:
 - a. At locations where more than one utility or type of facility is involved.
 - b. When the right-of-way widths approach the minimum needed for safe operations or maintenance requirements.
 - c. When separate installations require extensive removal or alteration of trees.

D. Down Guy Locations

Guy wires to ground anchors and other supporting or bracing devices shall not be placed between a pole and the traveled way where they would encroach upon the clear zone unless specifically authorized by the Department utilizing breakaway technology.

E. Maintenance Activities

Certain maintenance and other types of utility activities are considered minor in nature and shall be allowed to be performed without an additional permit, same as 96.61(D). However, should any of these selected maintenance activities be performed on facilities located within freeway right-of-way (except #37) or significantly impact the free flow of traffic on any other highway (closure of travel lane, diversion of traffic, etc.), a permit shall first be obtained from the Department.

No additional permit is required for:

1. Switching.

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2. Fuse replacement.
3. Transformation replacement.
4. Cross arm, bracket, and hardware repair/replacement.
5. Add anchor, guy, or brace between pole and right-of-way line or no closer to traveled way than pole.
6. Trench a pole to maintain or increase roadside clearance.
7. Replace pole, same location, and maximum of 10 poles per 5-mile section.
Note: Note: Once a new pole is installed, all attached facilities (electric, telephone, CATV, etc.) shall be transferred to the new pole and the old pole removed within 60 days. The old pole shall then be completely removed in accordance with Policy 96.54 (A).
8. Repair or replacement of overhead conductor 2 spans or less.
9. Line patrolling.
10. Manhole inspections (includes water removal, cable tagging, minor modifications, etc.)
11. Electrolysis surveys.
12. Test for location of underground lines.
13. Paint poles, towers, or cross arms.
14. Straighten pole, cross arm, or brace.
15. Test or treat existing pole.
16. Clean insulators.
17. Remove debris from overhead line.
18. Repair or add grounds.
19. Resag, reattach, or rearrange conductor.
20. Sample or test insulating oil.
21. Repair cable bonding.
22. Install or remove transformer or regulator.
23. Survey lines.
24. Replace outdoor lighting bulbs and cleaning glass.
25. Repair or replace outdoor lighting control.
26. Reset time clocks or control switch.
27. Replace pole tags or signs.
28. Reinforce existing pole.
29. Mark location of proposed pole/proposed cable.
30. Grass cutting or snow plowing.
31. Trim trees or remove brush for existing line.
32. Sign and marker installation/replacement.
33. Minor repair of lines (splice, etc.).
34. Replace/remove line in existing duct.
35. Repair or replace overhead service.
36. Reading service meters (access from expressway or free shoulders is allowed during non-peak rush hours only).
37. Locate buried facilities.
38. Surveying and resetting reclosures.
39. Abandonment of underground facility shall be performed in accordance with 96.06(B) of this Policy.

96.63 Fluids and Gases

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A. Standards

The minimum standard for the design, construction, operation and maintenance of fluid and gas type utility facilities shall be those embodied in the Wisconsin Administrative Code. For each of the various utilities and phases of utility activities covered therein. When the codes, ordinances, or laws of governmental agencies having jurisdiction are more restrictive, they shall govern.

In Addition to the Wisconsin Administrative Code and local governmental regulations, the utility installations shall at least meet the following requirements:

1. Water lines shall conform with the currently applicable specifications of the American Water Works Association and the Standard Specifications for the Water and Sewer Construction in Wisconsin.
2. Pressure pipelines shall conform with the currently applicable requirements of Title 49, Code of Federal Regulations of the Office of Pipeline Safety.
3. Liquid petroleum pipelines shall conform to the currently applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
4. Sanitary and storm sewers shall conform to the currently applicable specifications of the Standard Specifications for Water and Sewer Construction.

B. Irrigation and Drainage, Pipes, Ditches, and Canals

Irrigation and drainage facilities installed across the right-of-way generally shall be designed and constructed in accordance with the Wisconsin Department of Transportation's specifications as shown in Chapter 16, Standard Detail Drawings, of the Facilities Development Manual. Appurtenances which would constitute a hazard to traffic shall not be permitted within the clear zone and should be located outside of the right-of-way. Where ditch rider roads are adjacent to ditches or canals that cross the highway, consideration shall be given to safety, traffic, operations, and economic features when providing for the continuity of such roads.

C. Requirement for Appurtenances

Vent standpipes are not required for casings but when used, the vent shall be located and constructed to not interfere with maintenance of the highway no be concealed by vegetation. These pipes should stand near a fence of the right-of-way line.

If drains are provided for casings, tunnels, or galleries enclosing carriers or liquids, liquefied gases, or heavy gases, they shall not fall into highway ditches or natural water courses.

D. Special Treatment of Pipelines

1. General Policy

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Special treatment of pipelines beneath highways, including interstates and other freeways and including any median, should not be required provided the pipe would be installed by jacking and/or dry boring the carrier pipe to an essentially snug fit.

2. Special Treatment

The Department shall require special treatment such as casing, cathodic protection, thickened wall carrier pipe, coating and wrapping concrete sleeves, or caps of particular pipe crossings if in the determination of the Department, such installation shall be more protective of the highway or the safety and convenience of the traveling public. Some examples of locations where special treatment may be required include, but are not limited to, the following:

- a. Locations where a pipeline (whether crossing or a portion of pipe parallel with the highway) would pass in close proximity to a sub structural part of a highway structure. This refers to pipes underground and not to pipes suspended on a highway structure, the latter of which should not require special treatment.
- b. Locations where a pipeline would pass beneath the slope wall below a highway structure.
- c. Locations where restraints inhibit a pipe from being placed or remaining at the depth required by code.
- d. Locations where the ground conditions are known to be particularly unstable.
- e. Locations where restraints inhibit a water pipe from being placed or remaining below the frost line.

E. Attachments to Structures

Pipelines that will be attached to a highway structure shall not exceed a maximum internal pressure of 150 PSIG. Pipelines carrying pressures in excess of 150 PSIG shall be considered only if no other alternative location off the structure is feasible.

F. Maintenance Activities

Certain maintenance and other types of utility activities are considered minor in nature and shall be allowed to be performed without an additional permit. However, should any of these selected maintenance activities be performed on facilities located within freeway right-of-way or significantly impact the free flow of traffic on any other highway (closure of a travel lane, diversion of traffic, etc.) a permit shall first be obtained from the Department.

No additional permit required for:

1. Leak surveys (vehicle or walk patrol) line patrolling.
2. Pressure surveys (gauge check or setting of charts).
3. Odorant checks.

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4. Regulator maintenance (change out, lockup check, spring change, etc.).
5. Valve maintenance (activation check, grease, replacement, etc.).
6. Line purging
7. Exposed line survey and maintenance (on bridges, exposed valve assembly, etc.).
8. Line locates and facility marking.
9. Up rating pressure of main (monitoring).
10. Abandonment of underground facilities in place shall comply with 96.06 (B) of this Policy.
11. Pit (vault) maintenance (water removal, painting, minor modifications).
12. Minor cutouts and repair of lines (installation of clamps, weld, etc.).
13. Cathodic protection checks and related repair.
14. Sign and marker installation/replacement.
15. Relief vent line inspection
16. Maintenance and repair of telemetering equipment.
17. Land surveying.
18. Painting above ground facilities.
19. Grass cutting or snow plowing.
20. Trim trees or remove brush for existing line.

96.64 Private Utility Facilities

A. General

Private utility-type facilities may be allowed to cross Department highways and are not subject to approval by the Federal Administration (FHWA).

All private utility facilities shall follow the requirements of the Policy and shall be designed, constructed, operated, and maintained as described in the specific policies for communications, electric, fluid or gas lines, whichever more closely resembles the facility.

B. Occupation Fees

Private utility installations may be assessed a fee by the Department for right-of-way crossing or occupation. The fee for each installation shall be determined on a case-by-case basis and may be based upon, but not limited to, the following:

1. The value of the facility.
2. Complexity of the installation.
3. Department review time.
4. Comparison with the value of private easements adjacent to the proposed location.
5. Comparison with fee schedules for other similar utility installations in Wisconsin and across the nation.

C. Additional Requirements

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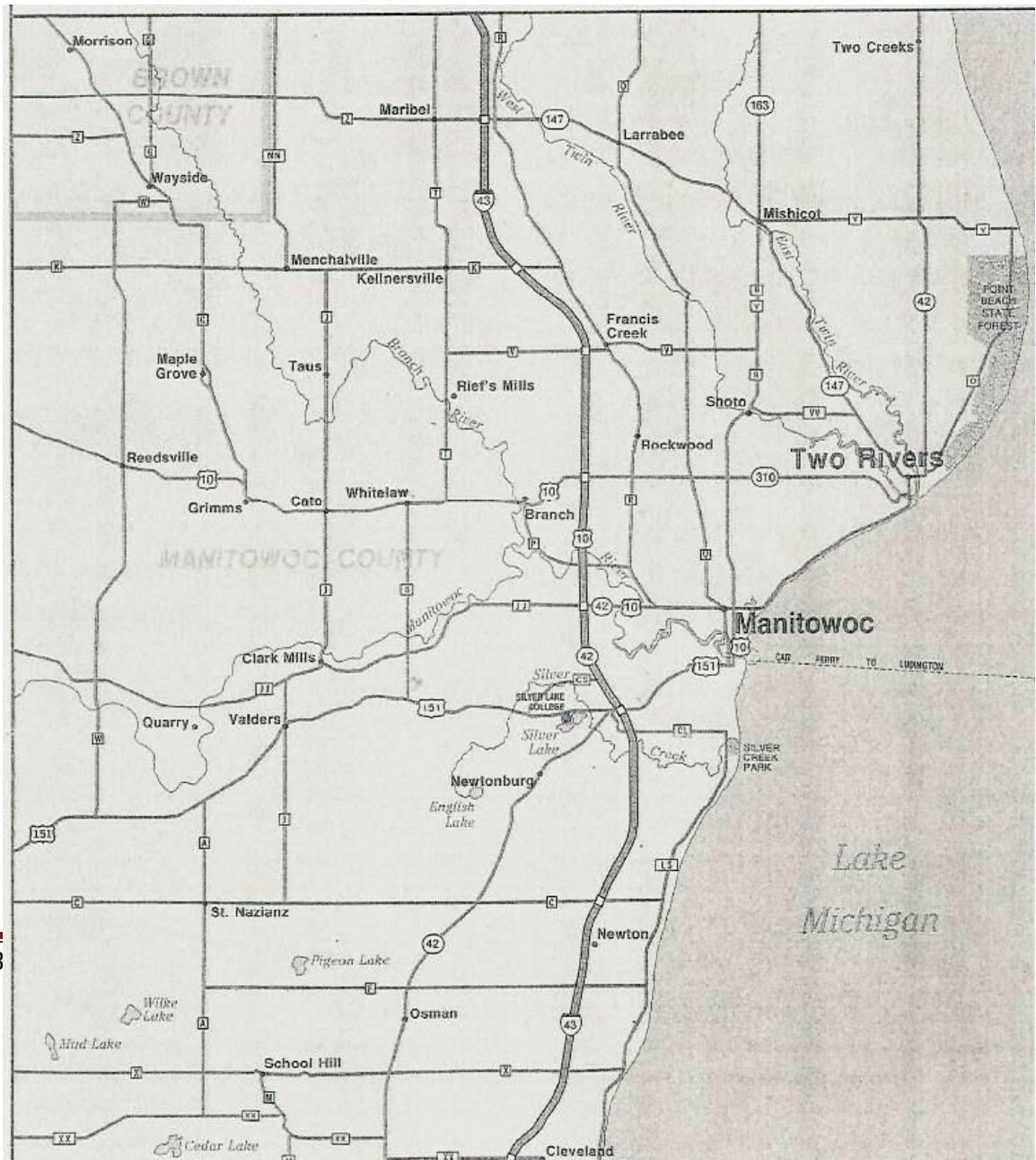
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Based upon the proposed private utility installation's potential for damage to the highway, adjacent right-of-way, or the environment, the Department may require the following to be submitted with a permit application:

1. Evidence of commercial general liability, workers compensation and employer's liability, workers compensation and employer's liability, and commercial motor vehicle liability insurance.
2. A certificate of insurance which names the Department as an additional insured.
3. Approval from the Department of Natural Resources that the project will have no significant impact upon the environment.

96.90 Appendices

96.91 County Map.



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96.92 County Staff Directory (list of Department utility managers).

MANITOWOC COUNTY STAFF

Commissioner	Greg Grotegut	(920) 683-4345 greggrotegut@manitowoccountywi.gov
Patrol Superintendent State & County Permit Coordinator	Jeff Chalupny	(920) 683-4346 Jeffreychalupny@manitowoccountywi.gov
Road Superintendent Operations Manager	Nathan Schleis	(920) 683-4351 nathanschleis@manitowoccountywi.gov

3500 STH “310”
Manitowoc, WI 54220
Phone: (920) 683-4345
Fax: (920) 683-4366

TOWN OF COOPERSTOWN STAFF

Town Chairman	Joe Havlovitz	(920) 305-4182
Town Clerk	Susan Kornely	(920) 660-8544
Roadman	Dan Kasten	(920) 863-6551

11626 Hwy Z
Maribel, WI 54227
Email: clerk@townofcooperstownwi.gov

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by the Applicant with all provisions and conditions stated in the Utility Accommodation Policy of above-named county including the Indemnification as included in 96.03 of the WCHA Utility Accommodation Policy in effect on the date of this application.

Supplemental Provisions Attached: ☐ Yes ☐ No

General Permit Fee: \$ 75

Annual Service Fee: \$100

By: _____
(Authorized Rep. for Highway Dept)

Open Cut Permit Fee: \$250

_____/_____/_____
(Title) (Date)

Comments/Special Provisions: _____

96.94 Environmental Conditions Discovery Checklist

As soon as environmental conditions are discovered in the Department's right-of-way,

STOP WORK IMMEDIATELY

and be prepared to report the following information to the contacts listed in 96.08(E)

SITE LOCATION:

Highway _____ If divided, please indicate direction NB SB EB WB

County _____ City, Town, Village of _____

Distance from nearest public roadway intersection or mile marker _____

Other landmarks? _____

ENVIRONMENTAL CONDITION:

1. Archaeological/Historical

What was found (burials, foundation, arrowheads)? _____

Is the location of the find marked? YES NO If yes, how is it marked? _____

Approximate area (dimensions) of the find? _____

2. Contaminated Sites, UST's LUST's

What was found? _____

Appearance of soils or liquid? _____

Odor of soils or liquid? _____

Approximate size of tank or area of contamination uncovered? _____

Is there an obvious liquid or product in the tank? YES NO

Is there an obvious smell? YES NO If yes please describe it (varnish, kerosene, gasoline, diesel, other, unknown)? _____

Soil type(s) encountered (sand, gravel, clay, till) _____

Depth to groundwater (if known)? _____

Any previous land use knowledge (local history, memory of site as a business)? _____

Is the location of the find marked? YES NO If yes, how is it marked? _____

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CONTACTS:

96.95 Completion Certificate

**TOWN OF COOPERSTOWN
HIGHWAY DEPARTMENT**

**COMPLETION CERTIFICATE
(For Utility Permits)**

Mail or email to Address Listed Below

Date _____

**TO: TOWN OF COOPERSTOWN HIGHWAY DEPARTMENT
15911 CTH R
MARIBEL, WI 54227
ATTN: DAN KASTEN
PHONE: 920-863-6551
EMAIL: clerk@townofcooperstownwi.gov**

FROM: _____

ADDRESS: _____

CONTACT: _____

FAX: _____

PHONE: _____

PERMIT NO.: _____

The work requested under the above-mentioned highway permit has been completed. The Department can now review to ensure proper restoration to the affected highway right-of-way has been made.

Signature: _____

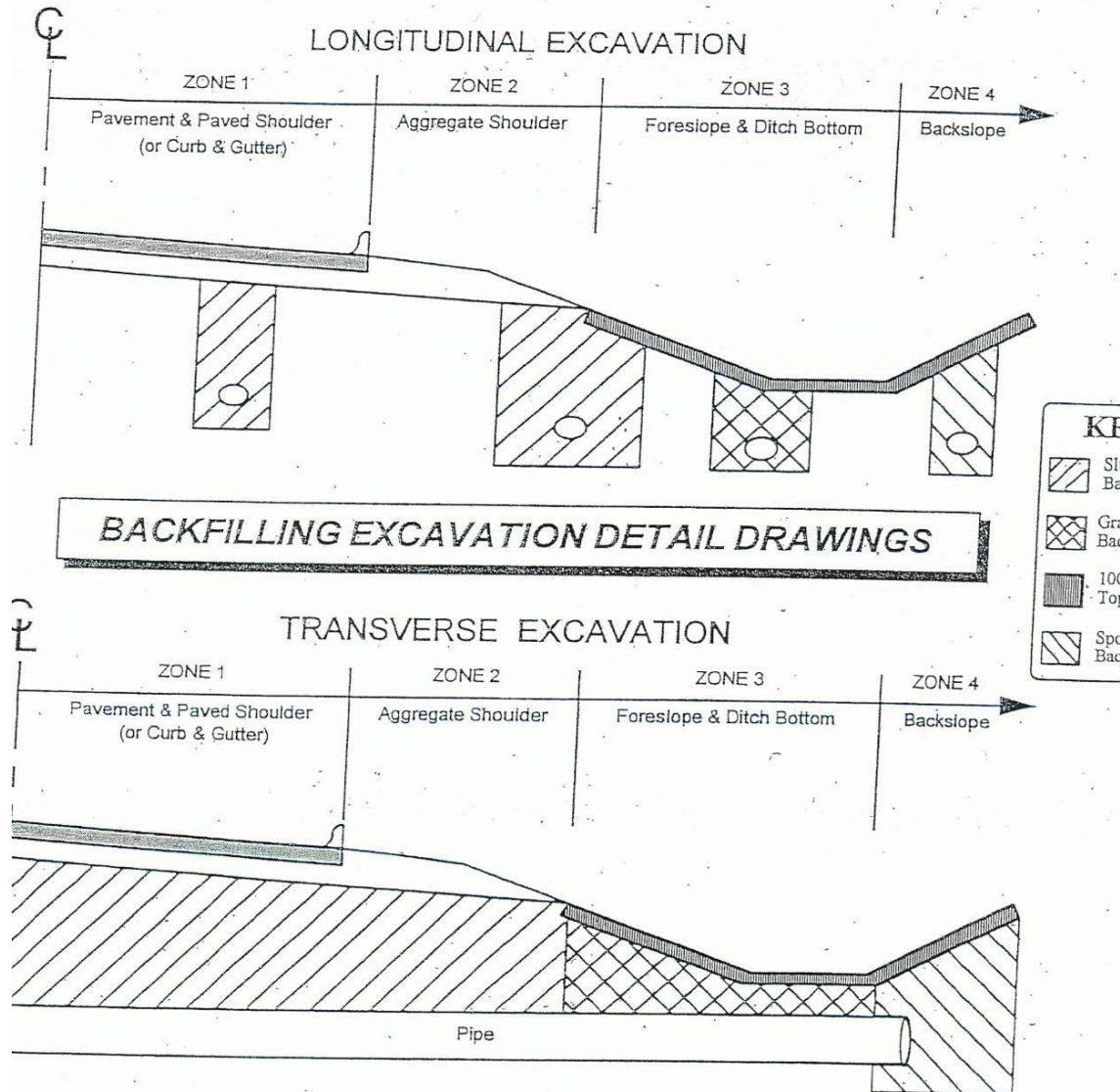
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Policy 96.95

96.00 Utility Accommodation
96.90 Appendix
96.95 Backfilling Details

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NOTES

Slurry backfill shall be used to replace the excavated material ZONES 1 & 2.

If the work area covers BOTH ZONES 2 & 3, then slurry backfill shall be used to replace the excavated material.

Granular backfill shall be used to replace the excavated material in ZONE 3. Granular backfill placement and gradation shall conform to the Department's Standard Specifications for Road and Bridge Construction, current edition.

Backfill in ZONES 3 & 4 shall be placed to within 100 mm of the finished grade to allow for the placement of topsoil.

Suitable spoil backfill may be used in ZONE 4 at the discretion of the Department.

SLURRY BACKFILL

The materials shall be placed in a clean concrete mixer truck and thoroughly mixed in the following quantities FOR EACH CUBIC YARD REQUIRED:

- 612 kg (1,350 lbs) SAND
- 340 kg (750 lbs) #1 STONE
- 522 kg (1,150 lbs) #2 STONE
- 94.6 l (25 gals) WATER
- 0 to -2 l (0 to -0.5 gal) variance

No additional water will be allowed. The above weights are damp weights. Just prior to placing the slurry backfill, the mixer shall be run at mixing speed for one full minute.

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96.96 Fees

Annual Maintenance Permit	\$100.00
Permit Application & Inspection Fee	\$75.00
Open Cuts Across Paved Roadways	\$250.00

*Inspection fee is not required for spraying and trimming permits.

6.17 PENALTY. Any person, who violates any provision of this chapter, except as otherwise provided, shall be subject to a penalty as provided in Chapter 15 of this General Code.

Adopted 08/06/2013

Amended March 8, 2016 Ordinance No. 2016-1

Amended August 8, 2017 Ordinance No. 2017-04

Amended May 8, 2018 Ordinance No. 2018-3

Amended February 12, 2019 Ordinance No. 2019-02

Amended February 8, 2022 Ordinance No. 2022-2

Amended February 13, 2024 Posted February 17, 2024 Ordinance No. 2024-01

Amended September 9, 2025 Posted September 11, 2025 Ordinance No. 2025-02

Amended February 10, 2026 Posted February 14, 2026 Ordinance No. 2026-03

Amended April 14, 2026 Posted April 17, 2026 Ordinance No. 2026-06

Amended August 12, 2026 Posted August 13, 2026 Ordinance No. 2026-08