



Sawyer County

Agenda

Public Works Committee Meeting
Wednesday, February 7, 2024 @ 6:30 PM
Sawyer County Board Room
Revised: Tuesday, February 6, 2024 3:36 PM

Page

1. CALL TO ORDER

- a. To view or participate in the **virtual meeting** from a computer, iPad, or Android device please go to <https://zoom.us/j/97982898675>. You can also use the dial in at 1-312-626-6799 with the Webinar ID: 979 8289 8675. Use *9 to Raise/lower hand and *6 to Unmute/mute. If additional assistance is needed please contact the County Clerk's Office at 715-634-4866 prior to the meeting. If you are on a computer, click the "Raise Hand" button and wait to be recognized. If you are on a telephone, dial *9 and wait to be recognized.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. CERTIFICATION OF COMPLIANCE WITH THE OPEN MEETINGS LAW

5. MEETING AGENDA

6. PUBLIC COMMENTS

- a. At this time, members of the public will be given the opportunity to address the Committee. Please adhere to the following when addressing the Committee:
 - Comments will be limited to 3 minutes or less per individual.
 - Comments should be directed to the Committee as a whole and not directed to individual Committee members.
 - The Committee cannot respond to your comments during this time.
 - Please sign in and fill out a public comment sheet if you wish to speak on an item.

7. CONSIDER APPROVAL OF MINUTES FROM PREVIOUS MEETING

[1.10.24 Public Works Minutes DRAFT](#)

4 - 5

a.

8. MAINTENANCE DEPARTMENT REPORT

6

- a. Project report
[Maintenance Report February 2024](#)

9. SAWYER COUNTY AIRPORT REPORT

7

- a. Hayward Aviation, LLC (contracted Airport management) report
[February Airport Report](#)
- b. Master Plan Update

10. HIGHWAY COMMISSIONER'S REPORT

8

- a. [Commissioner Report 1-29-24 Pinnow](#)
- b. Resolution to Allow Work to be Completed for Towns (discussion and possible action)

9 - 107

- c. Ordinance development and fees for permits (discussion and possible action)
- [1\) Ordinance Highway Access Control 111259](#)
 - [2\) Res 2024- Highway Ordinances 111403](#)
 - [3\) Highway Service Agreement 111336](#)
 - [4\) Access Control Policy 111133](#)
 - [5\) ROW 111131](#)
 - [6\) ROW Wood 111130](#)
 - [7\) Hauling Permit 111123](#)
 - [8\) Access Control Policy 111133](#)
 - [9\) WCHA Utility 111404](#)
 - [10\) Res 2024- Establishing Highway Permit Fees](#)

108

- d. Seasonal Road Ban
[LCO Agreement CTH K](#)

11. COURTROOM REMODELING UPDATE

- a. Ribbon cutting

12. FUTURE AGENDA ITEMS

13. CORRESPONDENCE, REPORTS FROM CONFERENCES AND MEETINGS

14. ADJOURNMENT

DISCLAIMER:

A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.

Copy sent via email to: County Clerk and News Media. Note: Any person wishing to attend whom, because of a disability, requires accommodation should call the Sawyer County Clerk's Office (715.634.4866) at least 24 hours before the scheduled meeting so appropriate arrangements can be made.

**Minutes of the January 10, 2024 meeting of the Sawyer County
Public Works Committee
Of the Sawyer County Board of Supervisors
Board Room; Sawyer County**



Voting Committee Members Present:

- ☒ Chair: Ron Kinsley
- ☒ Marc Helwig
- ☒ Ed Peters– Vice Chair
- ☒ Chris Rusk - virtual
- ☒ Brian Bisonette

Others Present:

Andy Albarado
John Pinnow
Lynn Fitch
Derek Leslie
Linda Zillmer virtual

Others Present:

Call to Order – Chair Ron Kinsley called the meeting to order at 6:30 pm.

Certification of Compliance with the open meeting law was met. Roll Call was taken; quorum was met.

Meeting Agenda –

Public Comments – Nancy Schryer, Linda Zillmer

Minutes from the previous meeting dated: December 13, 2023

Motion to approve made by: Mr. Peters Second by: Mr. Helwig
Motion carried without negative vote.

Consideration of Mail-in Correspondence Procedure -

Mr. Albarado advised that whoever receives such communication, they forward it to the department head most capable of handling the correspondence to see if they can respond. When it is a student project, the department head may contact the class to see if a visit to the class is appropriate.

Maintenance Department Report -

A written report was provided highlighting project and call activity. The HVAC system in the new addition is still experiencing problems; all fleet vehicles for 2024 have been ordered. To have heated sand available for the runway, we had to make room in the maintenance garage to build a sand bin. We also constructed a sand bin behind the maintenance garage to store enough sand to last through a normal winter.

Sawyer County Airport Report -

A written report was provided and reviewed. Barnum Gate Service came to the facility to service the four gates this week. The Master Plan website is up to date on progress thus far. Our first Public Involvement meeting is scheduled for 5:30pm in the Board room on Tuesday, March 5th. Mr. Albardo addressed the next steps of the process of the Master Plan where they will begin gathering public and user input. An additional public meeting will be held later this spring. The MP consultants will meet with the newspaper to develop an article on the process, as well. The public meetings will be noticed in the paper and mailers will go out via USPS with information.

Highway Commissioner's Report -

A written report was provided. Crews have been patching holes, fixing signs and performing winter storm cleanup. There is currently a vacancy for a driver/operator in the Radisson and Hayward shop, and interviews were conducted for summer help. The year was finished at ~\$800,000 in 2023. Meetings on the potential roundabout at Hwy K/B continue; LCO may apply for grant funding to help cover the county's portion of the 50% requirement. Our contractor is not doing any future bridge inspections so interviews with new contractors will begin.

Holiday Hours – Mr. Albarado advised that some employees are voiced concern regarding the hour differentiation during holiday pay periods since they work 10-hour days whereas holidays are paid at 8 hours. A couple different options have been created and presented to staff. They have chosen the option of taking vacation time to fill out

their full 40-hour work schedule or opt to not use it, thus not have a full 40-hour pay period instead of being required to fill out their 40 hours with vacation time. A motion was made by Mr. Peters to accept the option to voluntarily use vacation/comp time to complete a 40-hour week during a holiday or choose not to and thus not fill out their 40 hours; second by Mr. Bisonette. Motion carried without negative vote.

Out-of-County Highway Dept. Vehicles Review – Mr. Albarado advised that there has been recent discussion regarding the possibility of allowing out-of-county staff in the Sheriff’s Department and Highway Department to take home County vehicles if they live outside of Sawyer County boundaries. Current policy manual prohibits this option. A motion was made by Mr. Helwig to allow Highway Department staff to take County vehicles home to residences outside of County boundaries up to 25 miles and on a case-by-case basis in the future; second by Mr. Peters. Motion carries without negative vote.

Courtroom Remodeling Update -

Dedication and Ribbon Cutting – A ribbon cutting and dedication ceremony will be scheduled for a future date this May. A plaque will also be placed in the new foyer. Several punch list items are still being worked on.

Future Agenda Items – Resolution to allow County Hwy work done for Towns; March 5th Master Plan Update

Correspondence, reports from conferences and meetings -

Adjournment – 7:25 pm

Next Meeting: February 7, 2023 **Time:** 6:30 pm **Location:** Board Room
Minutes recorded by Lynn Fitch, County Clerk

Maintenance Report February 2024

Along with routine building and equipment maintenance and minor snow removal, the following maintenance projects are in process or were completed in January:

I. Courthouse:

- We currently have one employee who has returned to work light duty, and one who is still out on medical leave.
 - Our light duty employee has been working on updating facility MSDS books and assisting other departments with document shredding.
- In addition to routine building and grounds maintenance, staff responded to, and completed, forty-five service requests, fifty-four reactive work orders, and eight preventative work orders in the past thirty days.
- Counting my scheduled workday and after hours, I responded to an average of thirty-one work related phone calls per day in November.
- We are currently still collaborating with various contractors to correct the problems we have been experiencing with the new HVAC system. However, this past month we were able to identify what was causing negative air pressures in the new addition, and the problem should be corrected by the end of February.
- Replacement heat pumps for the 1995 addition of the courthouse, which were ordered as part of the 1994 CIP, have arrived. We hope to start installing them in March.
- A new roof has been installed on the maintenance garage.

II. Sheriff's Department:

- Two of the pursuit vehicles ordered for 2024 have arrived and were delivered to General Communications for upfitting.

Sawyer County Airport Management Report

February 2024

(Provided by Airport Manager Derek Leslie)

- Airport operations are down due to the unseasonal weather. On a positive note, the lack of snow will be reflecting decreases on the overall winter operational costs.

- The Master Plan website is up to date on progress thus far. Our first **Public Involvement meeting is scheduled for 5:30pm in the Board room on Tuesday MARCH 6TH.**

<https://www.sawyercounty.airportstudy.net>

-On January 31st we held the 90% design review meeting for the Runway 03/21 Rehabilitation and Lighting Replacement Project. Design plans are available for review at the terminal building and by request. The project schedule is as follows;

- 90% design review meeting: 1/31/24
- Draft Final design Documents: 3/15/24
- Bid Authorization: 4/12/24
- Bid Advertising: Weeks of 4/15/24 and 4/22/24
- Prebid Meeting: Week of 4/22/24
- Prequalification Deadline: 4/26/24
- Bid Opening: 5/9/24
- Pre-Construction Meeting: **March/April 2025**
- Construction Start: April/May 2025
- Construction Completion: June/July 2025

-Brushing at the airport went well the first few weeks of the year, we are now planning to work with County Highway Department to utilize some of their equipment/staff to brush at the airport.

-Yearly airport expenditures are up slightly from the previous year mainly due to snow removal costs last year. The annual operational subsidy for the airport is in the range of 40-45 thousand dollars. I would anticipate this being similar in the year 2024, but then the year 2025 will see an increase. This is due to the 5% matching share for the Runway Project. We are planning for 150-185 thousand in CIP. A significant amount of this has already been added into our CIP in previous budgets when the board originally approved the project.



Sawyer County Highway Department

14688 W County Road B, Hayward, WI 54843
Office Phone 715-634-2691
Shop Phone 715-634-2692
Fax Number 715-634-4824



January 29, 2023

Highway Commissioner's Report

- Crew are continuing with brushing on STH 27 south and moving to STH 27 N. County brushing continues on multiple roads.
- Winter maintenance budget is looking good. We still have some expense with delivery of our last year salt order.
- We're looking at purchasing a new skid steer with a Fecon mulching head for brushing on county and state roadways along with the work to complete at the airport.
- New frost tubes will be installed at STH 63 and CTH OO along with STH 70 and CTH GG. Currently we only have one frost tube in our county located at STH 27 and CTH E.
- We have a contract from the state to replace all the signs on STH 48 from STH 40 to the Washburn County line this summer.
- There was a PIM meeting Feb 1st at the Radisson town hall to discuss the reconstruction of STH 40 at Elm creek that is currently scheduled for 2027.
- 6'-20' bridge program inventory phase is still in discussion. Towns need to choose whether they will do their own inventory, have the county do the inventory or if they will contract it out. I sent out the inventory form to the towns which is due back to me by April 15th.
- I have hired a new bridge contractor to complete the County's bridge inspections. KBIS will be our new bridge inspectors as Corre will no longer be completing bridge inspections
- Still waiting to hear on the STP-R application for the Roundabout.
- We have one employee on light duty.

John Pinnow

**SAWYER COUNTY CODE OF ORDINANCES
CHAPTER 20 – ROADS AND BRIDGES**

ARTICLE 3 – HIGHWAY ACCESS CONTROL

20-3-1 General Provisions and Definitions.

- A. Title. This Ordinance shall be known as, cited, and referred to as the Sawyer County Highway Access Control Ordinance, and referred to herein as the Ordinance.
- B. Statutory Authority. This Ordinance is adopted under the authority of the provisions set forth in Wis. Stat. Ch. 59, Wis. Stat. Ch. 66, Wis. Stat. Ch. 83, Wis Stat. § 86.07(2), and Wis. Stat. § 86.16.
- C. Purpose. The purpose of this Ordinance is to restrict and regulate access onto and the use of any part of the Sawyer County Trunk Highway system in order to promote public safety, convenience, general welfare, and economic viability, by protecting the public investment of existing and proposed highways and associated infrastructure, by preventing costly road improvements, and to provide for safe and efficient ingress and egress to CTHs.
- D. Interpretation. The restrictions, requirements and regulations contained in this Ordinance are intended to apply to objects, structures, uses and activities wholly or partially contained in the right-of-way of the Sawyer County highway system except where specifically indicated. Any object, structure, use or activity partially lying in the right-of-way shall be considered to be entirely within the right-of-way.
- E. Severability. If any section, provision, or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- F. Effective Date. The effective date of this Ordinance shall be _____.
- G. Definitions. The following terms shall be applied as indicated throughout this Ordinance:
 - 1. *Access* means a Driveway, Road or other ways or means of approach to provide physical entrance or exit to one or more Parcels.
 - 2. *Access Control Policy* means the policy setting forth Access spacing, frequency standards and design standards described in Sec. 20-3-2 herein.
 - 3. *Access Permit* means a permit from the Highway Commissioner granting authority to construct and/or modify and maintain an Access onto a CTH.

4. *Committee* means the Sawyer County Public Works Committee, as the designated standing committee with jurisdiction over the CTH system pursuant to Wis. Stat. § 83.015.
5. *County* means Sawyer County, Wisconsin.
6. *County Trunk Highway (CTH)* means any segment of the Sawyer County Trunk Highway system pursuant to Wis. Stat. § 83.025. This definition also includes bridges or other infrastructure that is part of the Sawyer County Trunk Highway System.
7. *Driveway* means any Access to a Parcel for motorized or non-motorized vehicles.
8. *Highway Commissioner* means the Sawyer County Highway Commissioner and its designees.
9. *Parcel* means the area of land within the property lines of a given piece of property.
10. *Permittee* means a person, business or corporation issued a permit pursuant to this Ordinance.
11. *Road* means any public or private road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass, or other pathways intended for the use of motorized or nonmotorized vehicles to obtain Access to two or more Parcels.
12. *Utility Accommodation Policy* means the policy setting forth utility accommodation in CTHs described in Sec. 20-3-4 herein.
13. *Utility Permit* means a permit from the Highway Commissioner granting authority to construct and/or modify a utility on a CTH, as described in Sec. 20-3-4 herein.
14. *Work in Right-of-Way Permit* means a permit issued by the Highway Commissioner granting authority to conduct work or make improvements in the CTH right-of-way.

20-3-2 Connection, Driveway and Road Access Regulations and Policies.

- A. Access Permit Required. Except as set forth in Sec. 20-3-2(B), no person, entity, business or corporation shall construct, alter, or modify an Access without an Access Permit issued by the Highway Commissioner. Entrance upon or departure from a CTH shall be prohibited except at locations specifically designated by this Ordinance or the Access Control Policy. No Access point, Driveway or Road may be opened, expanded, or connected with any CTH without an Access Permit.

- B. Existing Access. Any lawful use of an Access to a CTH (via driveway or road) prior to the effective date of this Ordinance may be continued.
- C. Vacated Access. If the Highway Commissioner considers the use of an Access to have been discontinued for a period of at least one (1) year, the Highway Commissioner shall notify the owner by certified mail that the Access may be considered vacated. The Highway Commissioner shall allow the owner thirty (30) days to reply. If, after this time period and after consideration of the owner's reply, if any, the Highway Commissioner decides that the Access has been discontinued for at least one (1) year, the Access may be considered vacated and removed.
- D. Change of Use. Any change in the use of a Parcel to which the Access point, Driveway or Road serves shall require issuance of a new Access Permit. Any expansion of an Access point, Driveway or Road shall be considered a change in use.

The Highway Commissioner shall determine if there has been a change in use to an Access which will affect safe and efficient ingress and egress to and use of a CTH. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that Access. Upon such determination, the Highway Commissioner may grant an Access Permit for the change of use, require modifications to the Access to meet standards of this ordinance or deny the request for the change of use unless otherwise provided herein.

- E. Conditions. The Highway Commissioner may place conditions upon an Access Permit that the Highway Commissioner determines are reasonable and necessary to protect public health, safety, and welfare, and for the preservation of the CTH infrastructure system. Each Access Permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Highway Commissioner and be performed and completed to the Highway Commissioner's satisfaction.
- F. Application. Application for an Access Permit shall be made to the Highway Commissioner on a form prescribed by the Highway Commissioner. The Highway Commissioner may charge a non-refundable application fee, a renewal fee, or other permit fee. The Highway Commissioner shall render a decision to approve or deny the Access Permit application within thirty (30) days of the Highway Commissioner's receipt of a complete application.
- G. Access Control Policy. The Highway Commissioner shall develop and maintain the Access Control Policy. The Access Control Policy shall set forth all County policies relating to Access spacing, Access frequency, Access design, and any other standards the Highway Commissioner deems necessary for the safe and effective implementation of this Ordinance, the safe use of CTHs, and the safe ingress and egress to CTHs. All provisions of the Access Control Policy shall comply with

applicable state or federal law. Any modification to the Access Control Policy shall require Committee approval.

- H. Maintenance. The County shall not be responsible for any maintenance or repair, including routine maintenance such as removal of snow, ice or sleet, from any private Access, Driveway, Road, or portion thereof made pursuant to an Access Permit issued under this Ordinance.

20-3-3 Work in CTH Right-of-Way.

- A. Permit Required. No person, entity, business or corporation shall make any temporary or permanent alteration, excavation, fill or install any culvert, or in any way disturb any CTH or CTH right-of-way without a Work in Right-of-way Permit issued by the Highway Commissioner. No structure, object, excavation, or item of landscaping shall be constructed, reconstructed, altered, placed, installed, or planted within a CTH or CTH right-of-way without a Work in Right-of-way Permit issued by the Highway Commissioner.
- B. Conditions. The Highway Commissioner may place conditions upon the Work in Right-of-Way Permit that the Highway Commissioner determines are reasonable and necessary to protect public health, safety, and welfare, and for the preservation of the CTH infrastructure system. Each Work in Right-of-Way Permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Highway Commissioner and be performed and completed to the Highway Commissioner's satisfaction. In the case of temporary alterations, the Permittee shall restore the CTH to its former condition upon completion of work.
- C. Application. Application for a Work in Right-of-Way Permit shall be made to the Highway Commissioner on a form prescribed by the Highway Commissioner. The Highway Commissioner may charge a non-refundable application fee, a renewal fee, or other permit fee. The Highway Commissioner shall render a decision to approve or deny the Work in Right-of-Way Permit application within thirty (30) days of the Highway Commissioner's receipt of a complete application.
- D. Utility Installation. Any utility installation or relocation required in the right-of-way shall be the Permittee's responsibility prior to completing the work in right-of-way. Permittee shall also obtain a Utility Permit pursuant to Sec. 20-3-4 herein prior to commencing any work in the right-of-way.
- E. Damages. Permittee shall be liable for all damages which occur during the progress of said work or as a result of the work in the CTH or CTH right-of-way.

20-3-4 Utilities on County Highways.

- A. Permit Required. No person, entity, business or corporation may construct or operate lines, wires, or fiber for telecommunications service, as defined in Wis.

Stat. § 182.017(1g)(cq), telegraph, telephone, or electric lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, water, liquid manure, heat, light, or power along, across, under, or within the limits of a CTH without a Utility Permit.

- B. No Interference. Any equipment, lines, wires, fiber, pipes or other materials used for the installation and maintenance of a utility shall not interfere with the use of a CTH by the public, nor with the use of the adjoining land by the owner thereof.
- C. Compliance with Applicable Law. Any construction, maintenance or operation of any lines, wires, or fiber for telecommunications service, as defined in Wis. Stat. § 182.017(1g)(cq), telegraph, telephone, or electric lines, or pipes or pipelines, for the purpose of transmitting voice, video, data, messages, water, liquid manure, heat, light, or power shall comply with all applicable state and federal laws, as each may be amended, including but not limited to all rules and regulations promulgated by the Wisconsin Public Service Commission.
- D. Application. Application for a Utility Permit shall be made to the Highway Commissioner on a form prescribed by the Highway Commissioner. The Highway Commissioner may charge a non-refundable application fee, a renewal fee, or other permit fee. The Highway Commissioner shall render a decision to approve or deny the Utility Permit application within thirty (30) days of the Highway Commissioner's receipt of a complete application.
- E. Conditions. The Highway Commissioner may place conditions upon a Utility Permit that the Highway Commissioner determines are reasonable and necessary to protect public health, safety, and welfare, and for the preservation of County Highways and the CTH infrastructure system. Each Utility Permit shall contain the statement and be subject to the condition that the work shall be constructed subject to such rules and regulations as may be prescribed by the Highway Commissioner and be performed and completed to the Highway Commissioner's satisfaction.
- F. Utility Accommodation Policy. The County hereby adopts the Wisconsin County Highway Association Utility Accommodation Policy, a copy of which is attached hereto as Exhibit A, and as may be amended, as the County's Utility Accommodation Policy. The Utility Accommodation Policy may be modified upon recommendation of the Highway Commissioner and with Committee approval. All provisions of the Utility Accommodation Policy shall comply with applicable state and federal laws.

20-3-5 Other Use of County Highways and Permitting Authority.

- A. Permit Authority. The Highway Commissioner is hereby granted authority to require a permit for any use of a portion of the CTH which, in the Highway Commissioner's reasonable discretion, poses a threat to public health and safety, and welfare, and to ensure the preservation of the CTH infrastructure system. The

permits the Highway Commissioner may require include, but are not limited to, the following:

1. Seasonal weight restriction permits.
 2. Oversize/overweight load permits.
 3. Hauling permits.
 4. Special events or other detours of traffic permits.
- B. Applications and Fees. The Highway Commissioner shall prescribe an application for each permit required and may require a fee to be paid at the time an application is submitted for review. The Highway Commissioner may set other application requirements or fee provisions. The Highway Commissioner shall render a decision to approve or deny a permit application under this subsection within thirty (30) days of the Highway Commissioner's receipt of a complete application.
- C. Conditions. The Highway Commissioner may place conditions upon any permit issued pursuant to the authority granted in this Sec. 20-3-5 that the Highway Commissioner determines are reasonable and necessary to protect public health, safety, and for the preservation of the CTH infrastructure system.
- D. Administration and Enforcement Provisions. The provisions set forth in Sec. 20-3-6 of this Ordinance shall apply to any other permit issued by the Highway Commissioner under the authority granted in this Sec. 20-3-5.

20-3-6 Administration and Enforcement.

- A. Administration. The Highway Commissioner is hereby authorized to administer this Ordinance.
- B. Maintenance. The County shall not be responsible for any maintenance or repair of any private Access, Driveway, Road, made pursuant to a permit issued under this Ordinance. The County shall not be responsible for the maintenance or repair of any improvement, modification or other alteration that is placed, installed or planted pursuant to a permit issued under this Ordinance
- C. Fees. Any fees for work completed by the County Highway Department shall be paid for by the Permittee upon billing by the Highway Commissioner based on the current fee schedule. Payment in full for all fees is required prior to installation or any work being completed. Failure of Permittee to pay any fee or portion thereof may result in termination of a permit.
- D. Appeals. Any person, entity, business or corporation aggrieved by any decision made in the administration of this Ordinance may be appealed to the Committee. Appeals shall be filed within thirty (30) calendar days following the decision being appealed. Appeals shall be filed in writing and contain the information set forth in this Section 20-3-6(D), or any other information the Highway Commissioner or

Committee may reasonably request. The appeal shall specify the legal description of the Parcel, any Access location in question, the location of the proposed improvement or modification to the CTH, any other necessary facts, and the reason given for the appeal. The Committee shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The appeal fee shall be as stated in the fee schedule and shall be due and payable at the time of filing of the appeal. The Permittee shall pay all costs and expenses associated with the appeal or incurred by the County, its agents or representatives, as a result of the appeal.

- E. Violations. In the case of any violation of this Ordinance or any violation of the terms of a permit issued under the authority of this Ordinance, the Highway Commissioner may revoke the permit and institute appropriate legal action up to and including removal of any item contrary to this Ordinance. Each day in which a violation continues to exist shall constitute a separate offense.
- F. Penalties. Unless otherwise set forth in this Ordinance, any person, entity, business, or corporation found violating any part(s) of this Ordinance shall be punishable by a forfeiture in an amount not less than \$50.00 nor more than \$500.00, plus costs, fees and surcharges that may apply, per occurrence. Each day that a violation occurs is a separate occurrence. If the violation of this Ordinance involves the installation, excavation or fill of a culvert or any other alteration made to any part of a CTH in violation of this Ordinance or without a valid permit, then, in addition to any forfeiture under this subsection, the CTH may be restored by the Highway Commissioner at the expense of the violator. The costs to restore the CTH may be included in any citation or may be recovered under other lawful means, including small or large claims actions or debt collection.

ARTICLE 4 – HIGHWAY CONTRACTS

20-4-1 General Provisions and Definitions.

- A. Statutory Authority. This Ordinance is adopted under the authority of the provisions set forth in Wis. Stat. § 83.035.
- B. Purpose. The purpose of this Ordinance is to establish the Highway Commissioner's authority to enter into contracts with cities, villages and towns within the County for construction and maintenance of streets and highways within the County.
- C. Severability. If any section, provision, or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- D. Effective Date. The effective date of this Ordinance shall be _____.

- E. Definitions. The following terms shall be applied as indicated throughout this Ordinance:
1. *Committee* means the Sawyer County Public Works Committee, as the designated standing committee with jurisdiction over the CTH system pursuant to Wis. Stat. § 83.015.
 2. *County* means Sawyer County, Wisconsin.
 3. *Highway Commissioner* means the Sawyer County Highway Commissioner and its designees.

20-4-2 Contracts to construct and Maintain Streets and Highways

- A. Contracts Authorized. Pursuant to the provisions of Wis. Stat. § 83.035, the Highway Commissioner, with the approval of the Committee, is hereby authorized to execute contracts with cities, villages and towns within Sawyer County for the purpose of enabling the County to construct and maintain streets and highways in such municipalities. Maintenance shall include the furnishing of any road supplies and equipment to such municipalities. Any contract entered into pursuant to this Sec. 20-4-2 shall comply with all applicable state and federal laws.
- B. Limitation. The Sawyer County Highway Department shall undertake no construction or maintenance for municipalities in excess of the County aid authorized by the County Board of Supervisors.
- C. Payment. All contracts executed with any municipality for work pursuant to this Article 4 shall provide that payment in full must be made to the County within 120 days of the completion of such work. If a municipality fails to make payment in full within the above-prescribed 120 days, the County Highway Department shall do no further work of any type nor furnish any road supplies or equipment for or to such municipalities. If a municipality fails to make payment in full within the above-prescribed 120 days, any unpaid balance outstanding shall bear interest at the rate of five percent (5%) per annum until paid.

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WHEREAS, Wis. Stat. § 83.025 grants authority to Sawyer County (the “County”) to adopt, operate and maintain a county trunk highway system, and Wis. Stat. § 59.03(2) grants authority to the County to adopt ordinances regulating the use and preservation of county highways;

WHEREAS, the County must take steps to protect and preserve the investment in the CTH System, and must act to protect public health, welfare and safety, and to preserve investment made in the CTH System;

WHEREAS, included with the Highway Ordinances for review and comment are the following: (1) Application/Permit to Work on Highway Right-of-Way; (2) Application/Permit to Construct, Operate, and maintain Utilities Within the Highway Right-of-Way; (3) Application/Permit For Connection to County Trunk Highway; (4) Utility Accommodation Policy; and (5) sample Highway Service Agreement (collectively, the “Additional Documents”);

WHEREAS, the Highway Ordinances were discussed at the County Public Works Committee meeting on February 7, 2024, and the County Public Works Committee voted to recommend to the County Board of Supervisors that the County Board of Supervisors approve and adopt the Highway Ordinances.

1. Approval of the Highway Ordinances. The Sawyer County Board of Supervisors hereby approves and adopts the Highway Ordinances attached hereto as Exhibit A.

- 47 2. Health, Welfare and Safety. The Sawyer County Board of Supervisors finds that
48 the County's approval and adopting of the Highway Ordinances is beneficial to
49 the health, welfare, safety and other interests of Sawyer County's residents,
50 taxpayers and visitors.
51
52 3. Additional Actions. The Sawyer County Highway Commissioner, or the Sawyer
53 County Highway Commissioner's designee, shall take all necessary steps to
54 ensure that Sawyer County Board of Supervisor's action and decision set forth
55 herein is completed.
56
57

58 The Sawyer County Board of Supervisors this 15th day of February, 2024 hereby adopts this
59 Resolution and approves and adopts the Highway Ordinances attached hereto as Exhibit A.
60
61

62
63 _____
64 Tweed Shuman Lynn Fitch
65 Sawyer County Board of Supervisors Chairman Sawyer County Clerk
66
67

68
69 This Resolution and approval of the Highway Ordinances was recommended for adoption by the
70 Sawyer County Board of Supervisors at its meeting on February 15, 2024, by this Sawyer
71 County Public Works Committee on the 7th day of February, 2024.
72
73

74
75 _____
76 Ron Kinsley, Chairperson Ed Peters, Vice Chairperson
77
78

79 _____
80 Brian Bisonette, Member Marc Helwig, Member
81
82

83 _____
84 Chris Rusk, Member
85

86 **EXHIBIT A: SAWYER COUNTY CODE OF ORDINANCES, CHAPTER 20 – ROADS**
87 **AND BRIDGES: ARTICLE 3 – HIGHWAY ACCESS CONTROL; ARTICLE 4 –**
88 **HIGHWAY CONTRACTS (ATTACHED)**
89

HIGHWAY SERVICE AGREEMENT

This Highway Service Agreement (“Agreement”) is made and entered into this _____ day of _____, 20__, by and between the Sawyer County Highway Department (hereinafter “County”) and the Town of _____ (hereinafter “Town”). The Town and the County may be referred to herein singularly as a “Party” or collectively as the “Parties”.

RECITALS

WHEREAS, the County is authorized by Wis. Stat. § 66.0131, Wis. Stat. § 66.0301(2), Wis. Stat. § 83.018 and Wis. Stat. § 83.035 to sell road building and maintenance supplies on open account to the Town, and to contract with the Town for furnishing services to the Town; and

WHEREAS, the Sawyer County Highway Commissioner is authorized to enter into contracts on behalf of the County under Wis. Stat. § 83.01(1)(c) and Wis. Stat. § 83.015(2), and under Sec. 20-4-2 of the Sawyer County Ordinances, as may be amended; and

WHEREAS the Town desires to contract with the County for services as directed by the Town and according to the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficient of which is acknowledged by the Parties, it is agreed by and between the Town and the County as set forth below.

AGREEMENT

1. Recitals: The Recitals set forth above are hereby incorporated into this Agreement.
2. Term: This Agreement shall commence on the date on which all Parties have executed this Agreement and shall remain in effect for a period of _____ years from the date set forth above unless terminated pursuant to Paragraph 9 below. This Agreement shall automatically renew for successive terms of _____ years unless either Party notifies the other Party in writing of its intention to not renew the Agreement at least six (6) months prior to the expiration date.
3. Work Covered: The County will provide maintenance and construction services to the Town as directed by the Town, and as agreed to by the County. The services are more particularly described in Exhibit A, which is attached hereto and incorporated herein.
4. Town Liaison: The Town shall designate a person to act as a liaison between the Town and the County relative to the services desired, performance, and special assignments which the Town desires.
5. Compensation for Services. The Town shall pay the County for all the services and materials provided by the County in accordance with the terms set forth in Sec. 20-4-2 of the County Ordinances. The County shall bill the Town for actual costs on a “time and

material basis” for services in accordance with the current established labor rates, material rates, and machinery rates. Rates are formulated and verified in accordance with the Wisconsin Department of Transportation (“WisDOT”) regulations: whereby labor costs include actual wages along with fringe benefits; material costs include the cost of the goods sold calculations; and specific equipment rates are determined and adjusted quarterly through the WisDOT statewide machinery rates in the corresponding WisDOT Highway Maintenance Manual. The Town shall submit payment in accordance with Sec. 20-4-2 of the County Ordinances.

6. Equal Opportunity Statement: During the term of this Agreement, with regard to any employment decisions related to this Agreement, all Parties agree not to discriminate on the basis of age, national origin or ancestry, handicap, sex, physical condition, developmental disability, or sexual orientation as defined in Wisconsin Statutes 51.01(5).
7. Notices: Notices, invoices and payments required by this Agreement shall be deemed delivered by means agreed to by the Parties. This can include U.S. Mail, E-mail, fax, or personal delivery as agreed by the Parties.
8. Indemnification; Claims:
 - a. The Town shall defend, hold harmless, and indemnify the County against any and all claims, liabilities, damages, judgments, causes of action, costs, loss, and expense including reasonable attorneys’ fees imposed upon or incurred by the County arising from or related to the actions, inactions, negligent or intentional tortuous acts or omissions of the Town’s officers, employees, representatives or agents in performing the services of this Agreement. The Town acknowledges and accepts the broad nature of this indemnification and hold harmless clause, and voluntarily makes this covenant and expressly acknowledges that it is a condition of this Agreement and the County’s performance of the services described herein.
 - b. Each Party shall promptly notify the other of any claim arising under this Agreement, and each Party shall fully cooperate with the other in the investigation, resolution, and defense of any claim or action.
 - c. This Agreement does not waive any governmental or sovereign immunity. Both Parties retain all applicable governmental immunities, defenses, and statutory limitations available, including those set forth in Wis. Stat. § 893.80, Wis. Stat. §895.52 and Wis. Stat. §345.05, as each may be amended.
 - d. The obligations in this Paragraph 8 shall survive the termination of this Agreement as to any act or omission by either Party to this Agreement which occurs prior to termination and which triggers any of the obligations contained in this Paragraph.

9. Termination: Either Party may terminate this Agreement for any reason during the term of the Agreement with such termination to be effective on December 31st of the year provided that a minimum of six (6) months written notice is given to the other Party of the intent to terminate the Agreement. Any materials ordered or work already requested and scheduled shall be completed and paid for as set forth in Paragraph 5 above.
10. Agreement Not Assignable: This Agreement is for inter-governmental cooperative services as set forth in Wis. Stat. § 66.0301 and is not assignable without the expressed written consent of both Parties.
11. Forced Majeure: Any failure or delay in performance due to contingencies beyond a Party's reasonable control, including strikes, riots, terrorist acts, compliance and applicable laws or governmental orders, fires, and acts of God, shall not constitute a breach of this Agreement. Both Parties agree that any acts of God or Force Majeure shall be addressed in a cooperative and timely manner.
12. Entire Agreement: The entire agreement of the Parties is contained in this Agreement and supersedes any and all oral agreements and negotiations between the Parties relating to the subject matter hereof. The Parties expressly agree that this Agreement shall not be amended in any fashion except in writing executed by all Parties.
13. Applicable Law: The Parties shall comply with all applicable laws, statutes, codes, regulations or orders of any governmental entity having jurisdiction in the performance of the work and services herein. This Agreement shall be construed pursuant to Wisconsin law.

SAWYER COUNTY:

Date Signed: _____

By: _____
Highway Commissioner

TOWN OF

Date Signed: _____

By: _____
Name, Town Board Chairperson

By: _____
Name, Town Clerk

EXHIBIT A - SERVICES

SAWYER COUNTY ACCESS CONTROL POLICY

Section 1 – Authority and General

- A. The terms, conditions and provisions of this Access Control Policy (the “Policy”) are subject to any applicable laws, including but not limited to Chapter 20, Article 3 of the Sawyer County Ordinances, as may be amended. This Policy is adopted pursuant to Wis. Stat. § 86.07(2) and Sec. 20-3-2 of the County Ordinances assist in the regulation and control of access to Sawyer County Highways in order to promote the public safety, convenience, general welfare and economic viability and to protect the public investment in existing and proposed County highways and infrastructure. The design standards underlying the regulations shall promote the orderly and safe movement of vehicles to and from private property in a manner that creates as little interference to through highway traffic as is possible and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of county trunk highways.
- B. Access permits, also known as driveway permits, are issued under the authority of Wis. Stat. § 86.07(2). The Sawyer County Highway Commissioner (“Highway Commissioner”), through the Sawyer County Highway Department (“Highway Department”) has the authority over and is responsible for the maintenance of the County trunk lettered highway system and all other County-owned town roads (referred to hereinafter collectively as “County highway”). The Highway Commissioner, individually and through its designees within the Highway Department, oversees the access permit process, including surveillance and issuance of permits.
- B. Driveway changes noted through monitoring are investigated to ensure that they have been authorized and that they do not adversely affect the use of the highway. All changes must conform to the standards set forth by this policy and the Highway Commissioner's discretion.
- C. The purpose of the design standards is to promote orderly and safe movement in and out of private and public properties, to minimize interference with highway traffic, and to preserve the physical structure of the highway for convenience, general welfare, and economic viability.

Section 2 – Permit Process

- A. Any owner of the land adjacent to County highway right-of-way who wishes to construct a driveway, or change its surface type, or work in the right-of-way shall apply to the Highway Department for a permit. Anyone requesting a permit should complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Commissioner will review the application using the guidelines set forth herein and pursuant to the requirements in the County Ordinances. No person shall commence or continue construction of any driveway, road, connection or access point, or request or allow others to commence or continue

construction of any driveway, road, connection or access point on that person's property, unless a permit has been issued in accordance with this policy.

B. Procedure to follow in considering a permit for a driveway.

(1) The property owner or owner's agent shall apply for a permit. The application should be filled out completely and returned to the Highway Department.

(2) Each application shall include a copy of the parcel/layout or sketch of property, showing exact location of the proposed access, any existing access and any other pertinent information. The application shall contain a description of the proposed work on the right-of-way, culvert requirements including size and length, intersection clearances, distances to driveways, and details of the proposed installation, including reference to attached sketches, if any. The Highway Commissioner may require scale drawings or other information prior to making a determination whether to grant the permit.

(3) A non-refundable permit fee shall be submitted with each application in accordance with the following schedule:

(2) The property owner or owner's agent shall obtain a zoning determination. That zoning determination must accompany the completed permit application when it is turned in to the Highway Department. A zoning determination will not be required for surface change to an existing approved driveway.

(3) The permit application will be reviewed by the Highway Department for conformance with this policy and with all applicable state, federal, and local laws, regulations, and policies.

(4) The Highway Department if requested may review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.

(5) Applications for permits may be approved only by the Sawyer County Highway Commissioner or by one assistant if such assistant is so designated by the Highway Commissioner and approved by the Sawyer County Public Works Committee. The Highway Commissioner or the designated assistant shall indicate approval by signature before any permit may be issued.

(6) The Highway Department will retain a copy of the application on file. The permittee shall retain a copy.

C. During the review process, the following criteria should be considered:

(1) Zoning. The Highway Department shall support local zoning ordinances and shall not conflict with local zoning restrictions. Any conflicts with future projects, access control, scenic easements, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants shall be resolved before issuance of the permit.

- (2) Access to property. Conforms to _____.
 - (3) Sight distance. Conforms to table in _____.
 - (4) Driveway grade. A driveway approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to ensure drainage away from the highway surface.
- D. If the application is approved as provided in Subsection B(3), a permit will be issued. The applicant shall construct the driveway utilizing a pre-approved traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one driveway location only.
 - E. Construction must proceed in accordance with this policy and in conformance with all specifications, limitations, and conditions set out in the application and permit, unless modification is approved in writing by the Highway Commissioner or the person designated under Subsection B(5). The Highway Department shall inspect the site of each driveway before and during construction to ensure compliance.
 - F. If the application is denied, the Highway Department shall notify the applicant and explain the reason for denial.
 - G. A permit is valid for construction of a driveway within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
 - H. The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the Sawyer County Highway Committee.
 - I. This section applies to all new driveway construction. A new driveway is defined to include expansion, surface type change, and/or relocation of an existing driveway where either edge or both edges of the driveway will be moved 20 feet or more from the location of the corresponding edge of the existing driveway, or when the expansion or relocation would result in any violation of _____ of this policy.

Section 3 - Existing Driveway Regulations

- A. This section applies only to driveways which were constructed prior to the effective date of _____.
- B. No driveway constructed before the effective date of Sawyer County Ordinance No. _____ may be altered unless a permit has been issued for the driveway and the driveway meets the standards prescribed by this policy. This does not pertain to surface maintenance, for example grading existing gravel or sealing the existing asphalt surface. Driveway surface maintenance is permissible without issuance of a permit. A surface type change does require a permit.

- C. The County shall not be liable for injury to persons or property due to headwalls or ripraps at the ends of driveway culverts, if the owner is notified to remove them. This type of construction is not permitted under this policy.
- D. Maintenance of driveways is the responsibility of the property owner or occupant, and maintenance of side roads is the responsibility of the local governing body.

Section 4 – Permit Requirements

The permittee in making the application agrees to the following:

- A. The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way.
- B. The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed shall be restored to equivalent of original condition by the permittee.
- C. No revisions or additions shall be made to the driveway or its appurtenances on the
- D. The Highway Department reserves the right to make such changes, additions, repairs, and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.
- E. The permittee, his successors, or assigns agree to hold harmless the County of Sawyer and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
- F. The Highway Department does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of windrows of such materials upon any portion of any driveway or entrance along with any County highway even though snow, ice, or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.
- G. The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations prescribed by the County Highway Department and be performed and completed to the County Highway Department's satisfaction.
- H. In case of temporary alterations, the highway shall be restored to its former condition and the permittee shall be liable to Sawyer County for all damages which occur during the progress of said work or as a result thereof.
- I. Nothing herein shall abridge the right of the Highway Department, the County Board, or Public Works Committee to make such additional rules, regulations and

conditions as may be deemed necessary and proper for the preservation of highways and for the safety of the public.

Section 5 – Locations, Designs, and Construction

A. Sight distance requirement. Access driveways to highways from abutting properties shall comply with the following sight distance requirements that are consistent with American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets Stopping Sight Distance:

Design Speed (mph)	Stopping Sight Distance (feet)
--------------------	--------------------------------

25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730

(2) Stopping sight distance will be determined by the following method. Sight distance shall be measured from a point 10 feet from the edge of the traveled way in the proposed access location and measured from a height of 3.50 feet to the height of an object 3.50 feet on the County trunk highway.

B. Number and width of driveways per land use. The maximum number and width of access driveways per land use to highways and service roads shall be as follows:

(1) Type of access definitions.

(a) Commercial: an application occupied with or engaged in commerce or work intended for commerce. The following are intended to be examples and are not all inclusive: retail businesses, wholesale businesses, apartment complexes (more than

four units) or condominium complexes (more than four units), and service businesses.

(b) Schools: an access established for an elementary school, middle school, junior high school, and high school or accredited college/technical school.

(c) Industrial: an operation that is engaged in industrial production; something has to be made or assembled at this location.

(d) Churches: a place of assembly for religious observances specifically built to accommodate more people than may legally reside on the property.

(e) Park uses: an area open for use by the general public for recreation.

(f) Residential uses: when the sole use of the property is for a residence or residences up to four units.

(g) Agricultural uses: for uses concerned with the practice of producing/raising crops and/or raising livestock.

(2) The maximum number and width of access driveways per land use to highways and service

C. Driveway surfaces. The surface of the driveways can be a flexible bituminous asphalt type of pavement or gravel type. There will not be any portland cement surfaces accepted within the right- of-way unless the County trunk highway had been laid with portland cement.

D. Driveway slope. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed. Every driveway shall have sloped sides at a minimum of 4:1 grade ratio or flatter and should be laid as shown on _____

E. Culverts, drainage, curbs and gutters. The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, require endwalls and shall in no case be less than the equivalent of fifteen-inch diameter pipe. When any curb or gutter is removed for constructing a driveway, the new connection shall be restored.

F. Backfill material. Backfill material for all types of driveways shall be a cohesive granular gravel type material not exceeding one inch in diameter. Construction debris and/or waste concrete shall not be allowed.

G. Preexisting lots of record. This policy shall not be enforced in such a way as to deny access to lots of record which are in existence prior to the adoption of Sawyer County Ordinance _____.

H. Corner lots. Where a parcel abuts more than one public road and where such roads are classified differently, access shall be required onto the road with the lowest classification, where possible.

I. Vision. Corners must be free of all obstructions at each access point.

J. Identified bicycle routes. Driveway accesses proposed and approved on identified bicycle routes per the Sawyer County Bicycle Plan will require a paved apron. The apron width will be eight feet and the responsibility of the applicant. Failure to comply with this condition will result in the revocation of the driveway permit.

K. Commercial, industrial, schools, churches and parks.

1. Application. This section applies to rural type highway classification driveways serving commercial or industrial, schools, churches, and park establishments.

2. Width of drive. Commercial driveways will not have a width less than 24 feet or greater than 40 feet measured at right angles to the center line of the driveway, except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet.

4. Angular placement of drive. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

L. Residential

1. Application. This section applies to rural type highway classification driveways serving residential property.

2. Width of drive. Residential driveways shall not have a width less than 16 feet or greater than 36 feet measured at right angles to the center line of the driveway except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.

4. Angle placement. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

M. Agricultural.

1. Application. This section applies to rural type highway classification driveways serving agricultural property.

2. Width of driveway. Agricultural driveways shall not have a width less than 24 feet or greater than 50 feet measured at right angles to the center line of the driveway except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet.

4. Angle placement. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

Section 6 - Review of permit denial.

A. If the Highway Department denies a request for a permit under this policy or revokes a permit issued under this policy, the Sawyer County Public Works Committee shall, upon written request by the applicant within 30 days after the denial, review the Highway Department's decision. A written request shall be deemed made when it is received at the Highway Department office.

C. Within 30 days after the hearing the Sawyer County Public Works Committee shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Highway Department. The Highway Department shall thereafter take action in conformance with the Committee's decision.

Violations and penalties; enforcement.

A. Any person who violates _____ of this policy shall be punished by a forfeiture of not less than \$50 nor more than \$500 for each offense. In case of a continuing violation, each day that the violation continues may be considered a separate violation.

B. This policy may be enforced by injunction issued by the Sawyer County Circuit Court or any other court having jurisdiction.

C. Any property altered by construction or other action in violation of this policy must be restored to its former condition at the property owner's expense. If the owner of the property fails to restore such property to its former condition within 30 days after notice to do so is given by the Highway Department, then the Highway Department may in its discretion restore the property to its former condition and recover the cost of doing so from the owner.

Rules of construction; repealer.

A. The prohibitions expressed in this policy do not apply to the Highway Department and its authorized personnel in the performance of their duties.

B. Nothing in this policy shall be construed to conflict with any state statute or County ordinance. If any rule is held invalid by operation of law or by any court of jurisdiction, the remainder of the rules shall not be affected thereby.

C. All rules, regulations and ordinances previously adopted conflicting with the provisions of the County highway policy, not in accordance with Subsection B above, are hereby rescinded. Sawyer County Ordinance _____ is hereby repealed and replaced by this article.

D. The County driveway policy shall be effective upon the date of publication.

APPLICATION/PERMIT TO WORK ON HIGHWAY RIGHT-OF-WAY
SAWYER COUNTY HIGHWAY DEPARTMENT

Location Description-Quarter Section, Township, Range	Purposed Work Location
Applicant Name and Address	Start Date
	Completion Date
Type of Work Proposed Permit holder must perform work in a safe, good and workmanlike manner adhering to all traffic laws and other applicable laws. A class 2 ANSI safety vest must be worn at all times. All work must take place in daylight hours with no impact on traffic. Permit must remain with the holder at time of removal.	
Special Provisions or Conditions (attach additional pages if necessary)	

It is understood and agreed that approval is subject to the applicant's full compliance with the Sawyer County Code of Ordinances, and all other applicable laws, statutes, codes, rules, regulations and permit requirements of any governmental entity having jurisdiction over the subject matter or activity described in this permit. The applicant shall also comply with all permit provisions which may be added by Sawyer County. Any alterations of this form that are not authorized by the Sawyer County Highway Commissioner may result in revocation of this permit.

 Applicant Signature

 Date

 Phone Number

SAWYER COUNTY HIGHWAY DEPARTMENT PERMIT APPROVAL

 Authorized County Signature

 Date

 Title

THIS PERMIT IS REVOCABLE

Resolution 2024-_____

ESTABLISHING HIGHWAY PERMIT FEES

WHEREAS, Wis. Stat. § 83.025 grants authority to Sawyer County (the “County”) to adopt, operate and maintain a county trunk highway system, and Wis. Stat. § 59.03(2) grants authority to the County to adopt ordinances regulating the use and preservation of county highways;

WHEREAS, the County has under its jurisdiction a County trunk highway system (the “CTH System”);

WHEREAS, the County has adopted Highway Ordinances for the issuance of various permits including: (1) Application/Permit to Work on Highway Right-of-Way; (2) Application/Permit to Construct, Operate, and maintain Utilities Within the Highway Right-of-Way; (3) Application/Permit For Connection to County Trunk Highway; (4) Hauling Permit.

WHEREAS, these permits cost time and resources to issue and establishing a permit would assist in recovering the issuance cost

WHEREAS, these permit fees were discussed at the County Public Works Committee meeting on February 7, 2024, and the County Public Works Committee voted to recommend to the County Board of Supervisors that the County Board of Supervisors adopt the permit fees below and that the Sawyer County Fee Schedule be adopted to reflect these Highway Permit Fees.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Supervisors of the County of Sawyer does establish Highway Permit Fees as follow:

Right-of-Way Permit	\$25.00
Wood Permit	\$25.00
Driveway Permit	\$50.00
Hauling Permit	\$50.00
Utility Permit	
Permit Application & Review Fee*	\$50.00
Fee Per Inspection **	\$100.00
Open Cuts Across Paved Roadways***	\$350.00

*Permit not required for trimming & brushing operations

**Fee per inspection – there shall be no charge for final site inspection. If, however, the right-of-way has not been property restored at the time of inspection and additional inspections are required, a \$100.00 fee shall be charged for each subsequent inspection until the right-of-way has been successfully restored.

***Open cuts will require a restoration agreement between the utility and the Highway Department in addition to the permit fee.

45 The Sawyer County Board of Supervisors this 15th day of February, 2024 hereby adopts this
46 Resolution and approves and adopts the Highway Ordinances attached hereto as Exhibit A.
47
48

49
50 _____
51 Tweed Shuman Lynn Fitch
52 Sawyer County Board of Supervisors Chairman Sawyer County Clerk
53
54
55

56 This Resolution and approval of the Highway Ordinances was recommended for adoption by the
57 Sawyer County Board of Supervisors at its meeting on February 15, 2024, by this Sawyer County
58 Public Works Committee on the 7th day of February, 2024.
59
60
61

62 _____
63 Ron Kinsley, Chairperson Ed Peters, Vice Chairperson
64
65

66 _____
67 Brian Bisonette, Member Marc Helwig, Member
68
69

70 _____
71 Chris Rusk, Member

**SAWYER COUNTY HIGHWAY DEPARTMENT
HAULING PERMIT**

RETURN EMAIL: highwaymanager@sawyercountygov.org or RETURN FAX: (715) 634-4824

Date Permit Is In Force _____

Time Permit Is In Force _____

Company Name _____

Phone No. _____ Email _____

Vehicle License No. _____

Route From _____

To _____

Freight or Commodity Hauled _____

Total Weight Allowed _____ # of Axles _____

Load Size _____

Number of Trips _____

Special Conditions or Terms _____

The permittee agrees to comply with all terms and conditions contained herein and signifies this by signing below:

(Signature)

(Date)

Authorization _____
(For Sawyer County)

(Date)

Permit # _____

Terms and Conditions

1. This permit must be available for inspection by any law enforcement officer or any authorized agent of the Sawyer County Highway Department and must be carried in the vehicle. The permit is invalid if it is not presented when requested.
2. The permit is only valid for the commodity stipulated, time and date, and number of trips listed.
3. The permit is only valid for the vehicle stipulated and the specific route on the permit.
4. The permit is only valid for the county highways listed on the permit in Sawyer County.
5. Violation of the terms or conditions of this permit will result in a minimum of 1 year suspension of any special hauling permits.
6. Special hauling permits are granted on a case by case basis and the Sawyer County Highway Department has no obligation written or implied to grant such permits.

SAWYER COUNTY ACCESS CONTROL POLICY

Section 1 – Authority and General

- A. The terms, conditions and provisions of this Access Control Policy (the “Policy”) are subject to any applicable laws, including but not limited to Chapter 20, Article 3 of the Sawyer County Ordinances, as may be amended. This Policy is adopted pursuant to Wis. Stat. § 86.07(2) and Sec. 20-3-2 of the County Ordinances assist in the regulation and control of access to Sawyer County Highways in order to promote the public safety, convenience, general welfare and economic viability and to protect the public investment in existing and proposed County highways and infrastructure. The design standards underlying the regulations shall promote the orderly and safe movement of vehicles to and from private property in a manner that creates as little interference to through highway traffic as is possible and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of county trunk highways.
- B. Access permits, also known as driveway permits, are issued under the authority of Wis. Stat. § 86.07(2). The Sawyer County Highway Commissioner (“Highway Commissioner”), through the Sawyer County Highway Department (“Highway Department”) has the authority over and is responsible for the maintenance of the County trunk lettered highway system and all other County-owned town roads (referred to hereinafter collectively as “County highway”). The Highway Commissioner, individually and through its designees within the Highway Department, oversees the access permit process, including surveillance and issuance of permits.
- B. Driveway changes noted through monitoring are investigated to ensure that they have been authorized and that they do not adversely affect the use of the highway. All changes must conform to the standards set forth by this policy and the Highway Commissioner's discretion.
- C. The purpose of the design standards is to promote orderly and safe movement in and out of private and public properties, to minimize interference with highway traffic, and to preserve the physical structure of the highway for convenience, general welfare, and economic viability.

Section 2 – Permit Process

- A. Any owner of the land adjacent to County highway right-of-way who wishes to construct a driveway, or change its surface type, or work in the right-of-way shall apply to the Highway Department for a permit. Anyone requesting a permit should complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Commissioner will review the application using the guidelines set forth herein and pursuant to the requirements in the County Ordinances. No person shall commence or continue construction of any driveway, road, connection or access point, or request or allow others to commence or continue

construction of any driveway, road, connection or access point on that person's property, unless a permit has been issued in accordance with this policy.

B. Procedure to follow in considering a permit for a driveway.

(1) The property owner or owner's agent shall apply for a permit. The application should be filled out completely and returned to the Highway Department.

(2) Each application shall include a copy of the parcel/layout or sketch of property, showing exact location of the proposed access, any existing access and any other pertinent information. The application shall contain a description of the proposed work on the right-of-way, culvert requirements including size and length, intersection clearances, distances to driveways, and details of the proposed installation, including reference to attached sketches, if any. The Highway Commissioner may require scale drawings or other information prior to making a determination whether to grant the permit.

(3) A non-refundable permit fee shall be submitted with each application in accordance with the following schedule:

(2) The property owner or owner's agent shall obtain a zoning determination. That zoning determination must accompany the completed permit application when it is turned in to the Highway Department. A zoning determination will not be required for surface change to an existing approved driveway.

(3) The permit application will be reviewed by the Highway Department for conformance with this policy and with all applicable state, federal, and local laws, regulations, and policies.

(4) The Highway Department if requested may review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.

(5) Applications for permits may be approved only by the Sawyer County Highway Commissioner or by one assistant if such assistant is so designated by the Highway Commissioner and approved by the Sawyer County Public Works Committee. The Highway Commissioner or the designated assistant shall indicate approval by signature before any permit may be issued.

(6) The Highway Department will retain a copy of the application on file. The permittee shall retain a copy.

C. During the review process, the following criteria should be considered:

(1) Zoning. The Highway Department shall support local zoning ordinances and shall not conflict with local zoning restrictions. Any conflicts with future projects, access control, scenic easements, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants shall be resolved before issuance of the permit.

- (2) Access to property. Conforms to _____.
 - (3) Sight distance. Conforms to table in _____.
 - (4) Driveway grade. A driveway approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to ensure drainage away from the highway surface.
- D. If the application is approved as provided in Subsection B(3), a permit will be issued. The applicant shall construct the driveway utilizing a pre-approved traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one driveway location only.
 - E. Construction must proceed in accordance with this policy and in conformance with all specifications, limitations, and conditions set out in the application and permit, unless modification is approved in writing by the Highway Commissioner or the person designated under Subsection B(5). The Highway Department shall inspect the site of each driveway before and during construction to ensure compliance.
 - F. If the application is denied, the Highway Department shall notify the applicant and explain the reason for denial.
 - G. A permit is valid for construction of a driveway within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
 - H. The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the Sawyer County Highway Committee.
 - I. This section applies to all new driveway construction. A new driveway is defined to include expansion, surface type change, and/or relocation of an existing driveway where either edge or both edges of the driveway will be moved 20 feet or more from the location of the corresponding edge of the existing driveway, or when the expansion or relocation would result in any violation of _____ of this policy.

Section 3 - Existing Driveway Regulations

- A. This section applies only to driveways which were constructed prior to the effective date of _____.
- B. No driveway constructed before the effective date of Sawyer County Ordinance No. _____ may be altered unless a permit has been issued for the driveway and the driveway meets the standards prescribed by this policy. This does not pertain to surface maintenance, for example grading existing gravel or sealing the existing asphalt surface. Driveway surface maintenance is permissible without issuance of a permit. A surface type change does require a permit.

- C. The County shall not be liable for injury to persons or property due to headwalls or riprap at the ends of driveway culverts, if the owner is notified to remove them. This type of construction is not permitted under this policy.
- D. Maintenance of driveways is the responsibility of the property owner or occupant, and maintenance of side roads is the responsibility of the local governing body.

Section 4 – Permit Requirements

The permittee in making the application agrees to the following:

- A. The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way.
- B. The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed shall be restored to equivalent of original condition by the permittee.
- C. No revisions or additions shall be made to the driveway or its appurtenances on the
- D. The Highway Department reserves the right to make such changes, additions, repairs, and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.
- E. The permittee, his successors, or assigns agree to hold harmless the County of Sawyer and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
- F. The Highway Department does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of windrows of such materials upon any portion of any driveway or entrance along with any County highway even though snow, ice, or sleet is deposited or windrowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.
- G. The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations prescribed by the County Highway Department and be performed and completed to the County Highway Department's satisfaction.
- H. In case of temporary alterations, the highway shall be restored to its former condition and the permittee shall be liable to Sawyer County for all damages which occur during the progress of said work or as a result thereof.
- I. Nothing herein shall abridge the right of the Highway Department, the County Board, or Public Works Committee to make such additional rules, regulations and

conditions as may be deemed necessary and proper for the preservation of highways and for the safety of the public.

Section 5 – Locations, Designs, and Construction

A. Sight distance requirement. Access driveways to highways from abutting properties shall comply with the following sight distance requirements that are consistent with American Association of State Highway and Transportation Officials (AASHTO) Geometric Design of Highways and Streets Stopping Sight Distance:

Design Speed (mph)	Stopping Sight Distance (feet)
--------------------	--------------------------------

25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	730

(2) Stopping sight distance will be determined by the following method. Sight distance shall be measured from a point 10 feet from the edge of the traveled way in the proposed access location and measured from a height of 3.50 feet to the height of an object 3.50 feet on the County trunk highway.

B. Number and width of driveways per land use. The maximum number and width of access driveways per land use to highways and service roads shall be as follows:

(1) Type of access definitions.

(a) Commercial: an application occupied with or engaged in commerce or work intended for commerce. The following are intended to be examples and are not all inclusive: retail businesses, wholesale businesses, apartment complexes (more than

four units) or condominium complexes (more than four units), and service businesses.

(b) Schools: an access established for an elementary school, middle school, junior high school, and high school or accredited college/technical school.

(c) Industrial: an operation that is engaged in industrial production; something has to be made or assembled at this location.

(d) Churches: a place of assembly for religious observances specifically built to accommodate more people than may legally reside on the property.

(e) Park uses: an area open for use by the general public for recreation.

(f) Residential uses: when the sole use of the property is for a residence or residences up to four units.

(g) Agricultural uses: for uses concerned with the practice of producing/raising crops and/or raising livestock.

(2) The maximum number and width of access driveways per land use to highways and service

C. Driveway surfaces. The surface of the driveways can be a flexible bituminous asphalt type of pavement or gravel type. There will not be any portland cement surfaces accepted within the right- of-way unless the County trunk highway had been laid with portland cement.

D. Driveway slope. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed. Every driveway shall have sloped sides at a minimum of 4:1 grade ratio or flatter and should be laid as shown on _____

E. Culverts, drainage, curbs and gutters. The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, require endwalls and shall in no case be less than the equivalent of fifteen-inch diameter pipe. When any curb or gutter is removed for constructing a driveway, the new connection shall be restored.

F. Backfill material. Backfill material for all types of driveways shall be a cohesive granular gravel type material not exceeding one inch in diameter. Construction debris and/or waste concrete shall not be allowed.

G. Preexisting lots of record. This policy shall not be enforced in such a way as to deny access to lots of record which are in existence prior to the adoption of Sawyer County Ordinance _____.

H. Corner lots. Where a parcel abuts more than one public road and where such roads are classified differently, access shall be required onto the road with the lowest classification, where possible.

I. Vision. Corners must be free of all obstructions at each access point.

J. Identified bicycle routes. Driveway accesses proposed and approved on identified bicycle routes per the Sawyer County Bicycle Plan will require a paved apron. The apron width will be eight feet and the responsibility of the applicant. Failure to comply with this condition will result in the revocation of the driveway permit.

K. Commercial, industrial, schools, churches and parks.

1. Application. This section applies to rural type highway classification driveways serving commercial or industrial, schools, churches, and park establishments.

2. Width of drive. Commercial driveways will not have a width less than 24 feet or greater than 40 feet measured at right angles to the center line of the driveway, except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet.

4. Angular placement of drive. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

L. Residential

1. Application. This section applies to rural type highway classification driveways serving residential property.

2. Width of drive. Residential driveways shall not have a width less than 16 feet or greater than 36 feet measured at right angles to the center line of the driveway except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.

4. Angle placement. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

M. Agricultural.

1. Application. This section applies to rural type highway classification driveways serving agricultural property.

2. Width of driveway. Agricultural driveways shall not have a width less than 24 feet or greater than 50 feet measured at right angles to the center line of the driveway except as increased by radii.

3. Return radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet.

4. Angle placement. The center line of that part of the driveway lying on the County right-of-way shall be at approximately right angles to the pavement.

Section 6 - Review of permit denial.

A. If the Highway Department denies a request for a permit under this policy or revokes a permit issued under this policy, the Sawyer County Public Works Committee shall, upon written request by the applicant within 30 days after the denial, review the Highway Department's decision. A written request shall be deemed made when it is received at the Highway Department office.

C. Within 30 days after the hearing the Sawyer County Public Works Committee shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Highway Department. The Highway Department shall thereafter take action in conformance with the Committee's decision.

Violations and penalties; enforcement.

A. Any person who violates _____ of this policy shall be punished by a forfeiture of not less than \$50 nor more than \$500 for each offense. In case of a continuing violation, each day that the violation continues may be considered a separate violation.

B. This policy may be enforced by injunction issued by the Sawyer County Circuit Court or any other court having jurisdiction.

C. Any property altered by construction or other action in violation of this policy must be restored to its former condition at the property owner's expense. If the owner of the property fails to restore such property to its former condition within 30 days after notice to do so is given by the Highway Department, then the Highway Department may in its discretion restore the property to its former condition and recover the cost of doing so from the owner.

Rules of construction; repealer.

A. The prohibitions expressed in this policy do not apply to the Highway Department and its authorized personnel in the performance of their duties.

B. Nothing in this policy shall be construed to conflict with any state statute or County ordinance. If any rule is held invalid by operation of law or by any court of jurisdiction, the remainder of the rules shall not be affected thereby.

C. All rules, regulations and ordinances previously adopted conflicting with the provisions of the County highway policy, not in accordance with Subsection B above, are hereby rescinded. Sawyer County Ordinance _____ is hereby repealed and replaced by this article.

D. The County driveway policy shall be effective upon the date of publication.

Wisconsin County Highway Association
Utility Accommodation Policy



Effective January 1, 2022 – Supersedes January 1, 2000 & August 21, 2012

Email: info@wiscohwy.org

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
1. DEFINITIONS	5	7. COMPLIANCE	14
A. General Definitions	5	A. Authority	14
B. Specific Definitions	5	B. Failure to Comply	14
1. Applicant	5	1. Verbal Request for Corrective	
2. Clear Zone	5	Action	14
3. County	5	2. Written Reprimand	14
4. Emergency Utility Work	5	3. Suspension of Work Activities ...	15
5. Freeway	5	4. Removal of Installed Facilities ...	15
6. Highway(s)	5, 6	5. Permit Revocation	15
7. Permit... ..	6	6. Public Service Commission	
8. Pipeline	6	(PSC) Notification	16
9. Private Utility Facilities	6	7. Withholding Approval of Future	
10. Responsible Person	6	Permits	15
11. Right-of-Way	6	C. Procedures	15, 16
12. Traveled Way	7	1. Inspection of Work in Progress ..	16
13. Roadway	7	2. Inspection of Completed Work...	16
14. Utility	7	D. Immediate Action (Work in	
15. Utility Construction	7	Progress)	16
16. Utility Facilities	7	8. ENVIRONMENTAL CONDITIONS ..	17
17. Utility Maintenance	7	A. Introduction	17
18. Utility Operation	7	B. County Responsibility	17
2. INTRODUCTION	8	C. Utility Responsibility	17
A. Overview of Utility Accommodation...	8	D. Site Assessments	17
B. Purpose of the Utility		E. Discovery of Environmental	
Accommodation Policy	8	Conditions	18
C. Utility Accommodation Statutes	8	F. Utility Facility Placement Options	18
D. Utility Accommodation	8	G. Financial Responsibility Table	19
1. Permits	8, 9	9. PERMIT REQUIREMENTS	20
2. Additions	9	A. Need for a Permit	20
3. Alterations	9	B. Permit Authorization to Use and/or	
3. INDEMNIFICATION	10	Occupy Right-of-Way	20
4. GENERAL INFORMATION	11	10. REQUIRED INFORMATION	21
A. Buried Line Locating Notification	11	A. General Policy	21
B. Design Responsibility	11	B. Permit Application Form	21
C. Utility Facility Condition		C. Permit Limits	21
Requirements	11	D. Permit Drawings	21
D. Chemical Treatment and Cutting of		E. Installation Information	22
Trees	11	F. English Units	22
E. Draining Wetlands	11		
5. EMERGENCY WORK	12		
6. ABANDONED FACILITY	13		
A. Aboveground Facilities	13		
B. Underground Facilities	13		
C. Structure Attachments	13		

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
11. ANNUAL SERVICE CONNECTION		30-35 FREEWAYS.....	38
PERMIT (ASCP)	23	40-44 EXPRESSWAYS.....	39
A. General Policy	23		
B. Application Information.....	23	50 CONSTRUCTION	
C. Coverage.....	23	REQUIREMENTS	40
D. Implementation.....	23, 24	A. Permit at Job Site	40
E. Work Restrictions.....	24	B. Use of Highway Median	40
F. Permit.....	25	C. Use of Temporary Guard Poles.....	40
G. Permit Provisions	26	D. Unexpected Field Conditions.....	40
H. Indemnification	27	E. Blasting	40
		F. Survey Markers	40
13 APPLICATION MODIFICATION	29	G. Vegetation	40, 41
		H. Completion Notice	41
20 LOCATION REQUIREMENTS.....	30	I. Highway Signs	41
A. General Location	30		
B. Crossing Location.....	30	51 TRAFFIC CONTROL	42
C. Underground Longitudinal Location	30	A. Authority	42
D. Aboveground Longitudinal Location	31	B. General Policy	42
E. Existing Utilities.....	31	C. Traffic Control Selection	43
F. Subsurface Utility Engineering	31	1. Factors	43
		2. Long Term Duration.....	43
21 APPURTENANCES	32	3. Short Term Duration.....	43
A. General Policy	32		
B. Buildings	32	52 WORK SITE SAFETY	44
C. Cabinets.....	32	A. General	44
D. Manholes	32	B. Equipment/Material Storage	44
		C. Vehicle/Equipment Visibility.....	44
22 VERTICAL LOCATION.....	33	D. Individual Conduct.....	44
A. Underground.....	33		
B. Overhead	33	53 SPECIAL PROVISIONS	45
		A. Trenched Construction.....	45
23 INSTALLATION ON		B. Untrenched Construction	45
STRUCTURES.....	34	C. Non-Metallic Lines	45
A. General Definitions	34	D. Casing.....	46
B. Installation Location Requirements... ..	34		
C. Installation Openings.....	34	54 CLEANUP AND RESTORATION.....	47
		A. Work Site Cleanup	47
24 MEDIAN INSTALLATIONS.....	35	B. Highway Restoration.....	47
A. General Policy	35	C. Completion Certificate.....	47
B. Median Work.....	35		
25 BREAKAWAY CONSTRUCTION	36		
26 SCENIC CONSIDERATIONS	37		
A. General Policy	37		
B. Scenic Areas	37		

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
55	EROSION CONTROL AND STORM WATER MANAGEMENT	63	FLUIDS AND GASES.....
	A. Authority		A. Standards.....
	B. Implementation.....		B. Irrigation and Drainage Pipes, Ditches, and Canals
	C. Major Projects		C. Requirements for Appurtenances.....
	1. Definition		D. Special Treatment of Pipelines.....
	2. Specific Guidelines		1. General Policy
	D. Minor Projects		2. Special Treatment
	1. Definition		E. Attachments to Structures
	2. Guidelines for Erosion Control... ..		F. Maintenance Activities
60	SPECIFIC REQUIREMENTS	64	PRIVATE UTILITY FACILITIES
61	COMMUNICATIONS		A. General
	A. Standards		B. Occupation Fees
	Small Cell Providers		C. Additional Requirements
	B. Type of Construction.....	100	APPENDICES.....
	1. Single Pole		
	2. Joint Use		
	C. Down Guy Locations.....		
	D. Maintenance Activities.....		
62	ELECTRIC.....		
	A. Standards		
	B. Additional Permit Information		
	C. Type of Construction.....		
	1. Single Pole		
	D. Down Guy Locations.....		
	E. Maintenance Activities.....		

SECTION 1 – 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. Applicant

The individual or entity which will own the utility facility which is proposed to be placed in the County Right-of-Way.

2. Clear Zone

That portion of the right-of-way free of non-traversable hazards and fixed objects. These areas provide drivers 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 the guide for establishing clear zones.

3. County means the individual County Department that has statutory jurisdiction over the right of way and road access for that specific County (i.e. Highway Department or Public Works Department, etc.)

4. Emergency Utility Work

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

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.

SECTION 1 – DEFINITIONS

Specific Definitions (continued)

2. “Connecting Highways” in Section §86.32, Wisconsin Statutes, are local jurisdictional streets that lie within the corporate limits of a City or Village and by agreement with WisDOT, are maintained by the local authority.

Note: The Wisconsin Department of Transportation’s “Official State Trunk Highway System Maps” denote all connecting highways within Wisconsin.

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”, CTH “BB”, or CTH “OOO”.

c. Town Roads

The town roads as authorized under Section §82.03(1), Wisconsin Statutes. This includes the entire area within the highway right-of-way.

1. Town roads marked by each town and are designated by name such as Smith Road, Maple Lane, or Oak Ridge Drive.

7. Permit

The document by which the Applicant grants the applicant permission to work within, use, occupy, or cross the highway. Permit shall be valid for one year from the date of the permit application.

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 #16) 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 County.

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 but encompasses all necessary rights of both a permanent and temporary nature.

SECTION 1 – DEFINITIONS

B. Specific Definitions (continued)

12. 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.

13. Roadway

The traveled way plus shoulders.

14. 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, operates, manages, or controls any plant or 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.

15. 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 portion of an existing facility.

16. Utility Facilities

a. Transmission Facilities

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

b. Distribution Facilities

A utility facility which distributes the utility product from a transmission facility to points convenient for its 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”.

17. Utility Maintenance

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

18. Utility Operation

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

SECTION 2 – INTRODUCTION

A. Overview of Utility Accommodation

The County 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 County 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 County 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 Accommodation 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 County has jurisdiction.

The Policy applies to all public and private utilities as defined in Section 01(B) (9) and (15). It also applies to all existing utility facilities retained, relocated, replaced, or altered, and to new utility facilities installed in County right-of-way.

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

C. Utility Accommodation Statutes

The County regulates the use, occupation, and utility accommodation of the county trunk highway system under sec. §66.0831, §84.08, §85.15, §86.07(2), §86.16, and §182.017, Wis. Stats.

D. Utility Accommodation

Typically, the County utilizes the following policy when handling requests for utility accommodation or managing facilities that are already located in the right-of-way:

1. Permits

The County 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 or the accommodation provisions stated herein.
- c. The occupancies would not significantly increase the difficulty or future cost of highway construction or maintenance.

SECTION 2 – INTRODUCTION

D. Utility Accommodation (continued)

A utility shall abide by the 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 County.

2. Additions

Nothing in the Policy shall be construed as limiting the rights of the County to impose restrictions or requirements in addition to and/or deviations from those stated herein in any permit where the County deems it advisable to do so. An appropriate explanation for such action should be provided to the utility.

3. Alterations

The permitted facilities shall, if necessary, be altered by the utility to facilitate alteration, 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 County-executed utility parcel or agreement otherwise provides.

SECTION 3 – IDEMNIFICATION

The Applicant shall save and hold the County, 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 permit, or the construction or maintenance of facilities by the Applicant, in the County right-of-way which is the subject of this permit. Notwithstanding the foregoing, Applicant shall not be obligated to indemnify the County 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 County, or its officers, employees, or agents.

The County 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.

SECTION 4 – GENERAL INFORMATION

A. Buried Line Locating Notification

Each Applicant for a permit to work on a County 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 telephone number(s) for the service on the face of each County permit application form. The applicant shall also provide written notification to the County upon or in advance of any subsequent changes in the one-call contact information such as cessation of membership, changes in the contact telephone number(s), etc.
2. If the Applicant lacks membership in a one-call utility notification service at the time of application for a County 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 County. The Applicant shall advise the County 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 form the current telephone number(s) and email address to be contacted to obtain specific line locates from the Applicant. The Applicant should notify the County of any change to contact information.
3. If requested, work with County to provide project data file indicating the line location in a mutually agreeable format.

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 Utility shall be responsible for determination of the right-of-way. The County shall be responsible for review of the utility's proposal and for permit approval. County approval of the permit does not warrant that the right-of-way shown as part of the application is correct.

C. Utility Facility Condition Requirements

All utility facilities shall be kept in a 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 County highways without a permit from the County except as provided under maintenance type activities (see policies 61 through 64), and the utility shall provide the County with MSDS sheets for chemicals being used along with an annual spraying plan.

E. Draining Wetlands

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

SECTION 5 – EMERGENCY WORK

Emergency situations may arise when immediate action to protect the safety of the general public requires utility operations within a County 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 County of the emergency, its plans or actions for alleviating the dangerous situation(s), and make arrangement(s) for the control and protection 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.

SECTION 6 – ABANDONED FACILITY

A. Aboveground Facilities

If a utility discontinues use of an aboveground 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 County or unless a permit is requested by the purchaser and approved by the County.

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 detail as any other map or plan submitted to the County for permit approval. The approximate location provided by the utility shall be within a ten (10) foot wide corridor (i.e., five feet either side as 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 its location shall be shown on the permit request for the new facility.

Upon request by the County, each utility and the County 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 County. 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 it is an abandoned or temporarily de-energized facility.”

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

When the County intends to perform work in an area potentially occupied by the utility, 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 County with a more detailed record of the abandoned facilities in that area, if available.

When an unidentified utility facility is exposed or damaged, the County 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 County representative within two hours, and in all cases, shall physically respond to the site within six hours after notification, if required.

The County shall not require a utility to physically remove any abandoned underground facility so long as a permanent record of it is maintained and 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 County. All removal costs shall be the responsibility of the utility.

SECTION 7 - COMPLIANCE

A. Authority

Representatives of the County 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.

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 Wis Stats. §86.16(5) the utilities can appeal to WisDOT Division of Hearings and Appeals, if they feel a county is not treating them fairly.

B. Failure to Comply

At the County option, the following measures may be taken if a utility fails to comply with the Policy or 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 or 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 the verbal request.

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

SECTION 7 – COMPLIANCE

B. Failure to Comply (continued)

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 this occurs, the county highway commissioner shall be informed of the situation.

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

The County 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.

4. Removal of Installed Facilities

Any facility installed by a utility shall be in the location shown on the approved permit. If such a facility is discovered in an **unacceptable** location and the utility is notified, the utility shall have thirty (30) calendar days response time to decide on its corrective action. Once corrective action is agreed upon by the County, the Utility shall act on the corrective action within (10) calendar days. If the utility fails to take corrective action within the forty (40) calendar days, the County shall take action to have that 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 County 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 County may revoke the utility's permit. The utility may reapply for a permit to the County 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 County 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 County to withhold approval of permit applications for that utility until the violations are corrected to the satisfaction of the County. 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 County 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.

SECTION 7 – COMPLIANCE

C. Procedures (continued)

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

After a permitted operation has been completed, the utility is required to notify the County that work on the permit is complete and the job site is subject to an inspection by the County. If the work was done in violation of the Policy or the provisions of a utility's permit, then a verbal request is the first corrective measure which shall be taken (see B.1.). The utility shall have thirty (30) calendar days response time to decide on its corrective action and an additional ten (10) calendar days to initiate that action.

D. Immediate Action (Work in Progress)

When a utility operation or 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 call the local law enforcement agency to have the utility or its contractor(s), subcontractor(s), or consultant(s) removed from the County right-of-way. The inspector shall also take corrective measures to return the highway to a safe operating condition.

SECTION 8 – 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. County Responsibility

The County 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 County shall transmit the utility at least that portion of the improvement plan that concerns those facilities. The County shall also provide any additional and duplicate plan information needed by the utility to design and lay out the removal, relocation, 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 County 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 County 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 promulgated by the Wisconsin Department of Natural Resources (DNR).

D. Site Assessments

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 Wisconsin Department of Transportation.

The County 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.

SECTION 8 – ENVIRONMENTAL CONDITIONS

E. Discovery of Environmental Conditions

Whether the discovery of environmental conditions occurs during a site assessment, facility installation, or maintenance operation, **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, mitigation, 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 due to the utility's action. A checklist has been developed to help utilities obtain the necessary information which may be asked of them by site investigators. The checklist has been included in the County's Addendum as Environmental Conditions Discovery Checklist.

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 County and 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 County of Right-of-Way	
Category	Please Call
Archeological Sites or Historic Structures	
Historic structure	State Historic Preservation Office 608-264-6507
Archeological site	State Historic Preservation Office 608/264-6507
Burial	Burial Sites Preservation Office 608-264-6507 or 800-342-7834
Contaminated Soils, UST's, LUST's, etc.	DNR
Local Department of Natural Resources Office ¹	See the county's addendum for contacts
1. Required under Wisconsin law.	

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

F. Utility Facility Placement Options

Unless the County has taken charge of the remediation or mitigation process due to a County project, a utility that decides to locate its facility through an affected area, shall document in its permit application that it has contacted the DNR 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 County right-of-way - either with a project of its own or because a County 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:

SECTION 8 – ENVIRONMENTAL CONDITIONS

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 or 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 ⁴ or Department or Utility ³
- Department Project	RP ⁴ or Department or Utility ³
D) Remediation	
- Department of Natural Resources order	RP ⁴ or Department or Utility ³
- No Department of Natural Resources order	Utility
1. County policy is to not spend available resources for assessments or 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 County is required to obtain environmental information for its project. 3. <u>Specifically</u> , 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 County is not the RP ⁴ , then a utility which incurs costs due to encountering contaminated soils, UST's or LUST's will have to recover them from the RP ⁴ . 4. RP = Responsible Party (owner of the source of the hazard as determined by DNR)	

SECTION 9 – PERMIT REQUIREMENTS

A. Need for a Permit

A utility shall obtain a permit from the County before any use or occupancy of County 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 Sections 61 through 64.

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

By issuance of a permit, the County 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 County 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 County 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 County 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 in, over, or under the County right-of-way and shall have a copy available at the job site during construction.

All utility permits issued by the County are revocable for cause as provided herein. Section 07 highlights the steps that may be used by the County in order to revoke a permit.

SECTION 10 – 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 application form, dimensioned drawings or sketches, and installation information so that the effect of the highway operation, traffic safety, and visual qualities can be evaluated.

B. Permit Application Form

Utilities shall only use the single-page permit application form provided by the County. Alteration of the permit application form by the applicant is prohibited and shall be just cause for application rejection or permit revocation.

The current permit application form is found in the WCHA UAP Appendix, section 93 and can be duplicated as needed.

One original permit application form, signed by an **authorized office or representative of the applicant**, plus two copies of the drawings, sketches, or installation information shall be submitted per application to the County. The telephone and pager number of the applicant's local contact person and person in charge of construction shall be included on each permit application form.

See Section 12 on Page 20 for annual service connection permit information.

C. Permit Limits

The permit application form shall include the limits (project endpoints) of all proposed work. If the utility facility extends into more than one county, a separate permit application form shall be submitted for each county. Furthermore, a separate permit must be submitted for each project on a different highway and/or for non-contiguous projects.

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 right-of-way line; whether the right-of-way is dedicated, prescriptive, or statutorily defined, and to the 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.

SECTION 10 – REQUIRED INFORMATION

E. Installation Information

The utility shall provide the following installation information:

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 or to be adjusted.
2. The County 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 County shall request additional information. This information may include, but is not limited to, bridge number, weight of lines, hanger spacing, hanger details, and expansion/contraction details.

See Policy 23 for additional requirements regarding structure attachments.

F. English Units

The County is expecting to work exclusively with English units which shall be used on all permit application forms and submittals.

SECTION 11 – ANNUAL SERVICE CONNECTION PERMIT (ASCP)

A. General Policy

A utility shall obtain a permit from the County before installing any type of service line that requires a connection from an existing distribution facility within the right-of-way. However, the County 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 County which bypasses the normal permit approval process and fax each proposed service location permit.

This policy does not affect Section 5, Emergency Work. Approvals for emergency service connections should still be handled by a phone call to the County.

All work described in this policy shall comply with the entire Utility Accommodation Policy. An 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 County standard permit application form (see Appendix) to apply for an ASCP which shall be sent to the County for review. The ASCP shall only be effective during the calendar year and in the county in which it is issued. A copy of the ASCP shall be kept on the job site at all times.

The County 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 County 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-side (same side of highway and the distribution line) service connections are allowable. Long-side (opposite side of highway as the distribution line) service connections are also allowable but may be limited to underground installations.

D. Implementation

Once an ASCP has been approved by the County, a utility shall implement the following process to obtain approval for installing a service connection. A utility shall submit, by email, fax or other method, a location sketch of the proposed service for County 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:

SECTION 11- ANNUAL SERVICE CONNECTION PERMIT (ASCP)

D. Implementation (continued)

1. Utility's ASCP number.
2. County name and town, range, and section numbers, address of property, municipality or township in which property is located.
3. Distance from the nearest intersection to the service line.
4. Name of the utility and representative who needs the County reply along with that person's telephone number, email or fax numbers.
5. A map or sketch of the project location that depicts the placement of the service line relative to right-of-way and the traveled way.

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 telephone or return fax unless another method is specified by the utility. If the utility does not hear from the highway commissioner or designated representative prior to commencing work, it should call the County.

E. Work Restrictions

If a utility cannot meet **all** of the conditions listed below, then it shall obtain a regular permit for that 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.
3. For long-side 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 per Section 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 Section 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. Traffic plans or road closure permits may be necessary from the local road authority.

SECTION 11 – ANNUAL SERVICE CONNECTION PERMIT (ASCP)

COUNTY HIGHWAY DEPT APPLICATION/PERMIT to CONSTRUCT, OPERATE, and MAINTAIN UTILITIES WITHIN HIGHWAY RIGHT-OF-WAY Applicant/Company: _____ Address: _____ Office Phone: _____ Cell Phone: _____ Plans Prepared By: _____ Company: _____ Phone: _____ Email: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center; padding: 2px;">LOCATION INFORMATION</th> </tr> <tr> <td style="padding: 2px;">Highway(s): _____</td> </tr> <tr> <td style="padding: 2px;">Town/Village/City of: _____</td> </tr> <tr> <td style="padding: 2px;">_____ ¼ of the _____ ¼ Sec _____ T _____ N _____ R _____ E</td> </tr> <tr> <th style="text-align: center; padding: 2px;">ADDITIONAL INFORMATION</th> </tr> <tr> <td style="padding: 2px;">Annual Service Connection Permit? ☐ Yes ☐ No</td> </tr> <tr> <td style="padding: 2px;">Utility Work Order # _____</td> </tr> <tr> <td style="padding: 2px;">Fee Required? ☐ Yes ☐ No Amount \$ _____</td> </tr> </table>	LOCATION INFORMATION	Highway(s): _____	Town/Village/City of: _____	_____ ¼ of the _____ ¼ Sec _____ T _____ N _____ R _____ E	ADDITIONAL INFORMATION	Annual Service Connection Permit? ☐ Yes ☐ No	Utility Work Order # _____	Fee Required? ☐ Yes ☐ No Amount \$ _____
LOCATION INFORMATION									
Highway(s): _____									
Town/Village/City of: _____									
_____ ¼ of the _____ ¼ Sec _____ T _____ N _____ R _____ E									
ADDITIONAL INFORMATION									
Annual Service Connection Permit? ☐ Yes ☐ No									
Utility Work Order # _____									
Fee Required? ☐ Yes ☐ No Amount \$ _____									

DESCRIPTION OF PROPOSED WORK (Check and fill out all that apply)

UTILITY TYPE: ☐ Electric ☐ Gas/petroleum ☐ Communications ☐ Water ☐ Sanitary sewer ☐ Private line
☐ Transmission ☐ Distribution ☐ Service *Facility Size/Capacity:* _____
(diameter, # fibers, psi, Kv, etc.)

ORIENTATION: ☐ Overhead ☐ Underground ☐ Parallel to hwy centerline ☐ Hwy crossing ☐ Bridge attachment ☐ Tunnel

WORK TYPE: ☐ New construction ☐ Improve/repair existing ☐ Maintenance ☐ Removal ☐ Abandon in place

CONSTRUCTION METHOD(S): ☐ Plow ☐ Trench ☐ Bore ☐ Suspend on poles/towers ☐ Open cut hwy ☐ Cased

☐ Tree cutting/removal ☐ Chemical treatment of trees/brush *Erosion Control Designation:* ☐ Major ☐ Minor

Provide additional narrative if needed: _____

NAME AND PHONE NUMBER OF UTILITY REPRESENTATIVE
RESPONSIBLE FOR CONSTRUCTION: _____

Estimated Starting Date: _____ Estimated Completion/Restoration Date: _____

The Applicant understands and agrees that the permitted work shall comply with all permit provisions and conditions of the Utility Accommodation Policy of the above-named county in effect at the time of this application, and with any special provisions listed below or attached hereto, and any and all plans, details, or notes attached hereto and made a part thereof.

By: _____
(Signature of Applicant/Company Authorized Representative) (Title) (Date)

(Typed/Printed Name of Person Signing Above or Electronic Signature Code) (Authorized Applicant/Company Representative Telephone Number)

DO NOT WRITE BELOW THIS LINE

PERMIT APPROVAL BY PERMITTING AUTHORITY

The foregoing application is hereby approved, and permit issued by the Permitting Authority subject to full compliance by the Applicant with all provisions and conditions stated in the Utility Accommodation Policy of the above-named county including the Indemnification as included in Section 03 of the WCHA Utility Accommodation Policy in effect on the date of this application.

Supplemental Provisions Attached: ☐ Yes ☐ No

By: _____
(Authorized Representative for County)

(Title) (Date)

Date Revised: 1/5/01 clm

--

FEE RECEIVED: \$ _____ CHECK NUMBER: _____ DATE ISSUED: _____ HWY PROJECT #: _____ PERMIT NUMBER: _____
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SECTION 11 - ANNUAL SERVICE CONNECTION PERMIT (ASCP)

PERMIT PROVISIONS AND CONDITIONS OF ISSUANCE:

Pursuant to Wisconsin Statutes, WisDOT Highway Maintenance Manual, and other County Regulations, this permit is granted to allow performance of the specific work described or referenced herein. The following standard provisions and any included special provisions shall govern:

1. Comply with the conditions and requirements of the WCHA Utility Accommodation Policy (UAP).
2. Permitted facilities shall, if necessary, be altered at the expense of the Applicant/Owner to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted facilities shall be the obligation of the Applicant/Owner; unless a contract for such costs has been executed by County.
3. Permitted Utility location shall be installed at the furthestmost horizontal location from the centerline, shall maintain a consistent centerline offset, shall meet the minimal offset and cover requirements of the UAP, and shall not deviate in position from the approved Permit submittal documents without written COUNTY consent and approval.
4. No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times, unless County has granted permission for a detour. Wherever the pavement is opened, spoil shall be hauled away and the trench shall be backfilled with sand, gravel, or structural fill (compacted in layers).
5. Pavement removed shall be replaced in accordance with County specifications.
6. Applicant shall provide ALL NECESSARY SIGNS, FLAGMEN, AND LIGHTS required per conformance with the "Manual on Uniform Traffic Control Devices". When a detour is allowed, local newspapers shall be notified, by the Applicant, in advance of the work being started.
7. All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of County representative. Access to all private drives and public street intersections shall be maintained, and all areas completely restored.
8. Trenching, tunneling, of excavating shall be performed in accordance with requirements of OSHA, Wisconsin Department of Commerce, this policy, and any applicable local regulations.
9. Copy of the permit approval, along with any plans and special provisions, shall be available on the job site.
10. Upon completion of the work, Applicant/Owner shall file a written notice of completion with the County.
11. Other jurisdictions that may have permit authority are to be contacted; for example, DNR, Township, County Land & Water Conservation.
12. Issuance of a Permit does not exempt Applicant/Owner from any other Federal, State, County, or Local Agency Permits or approval processes.

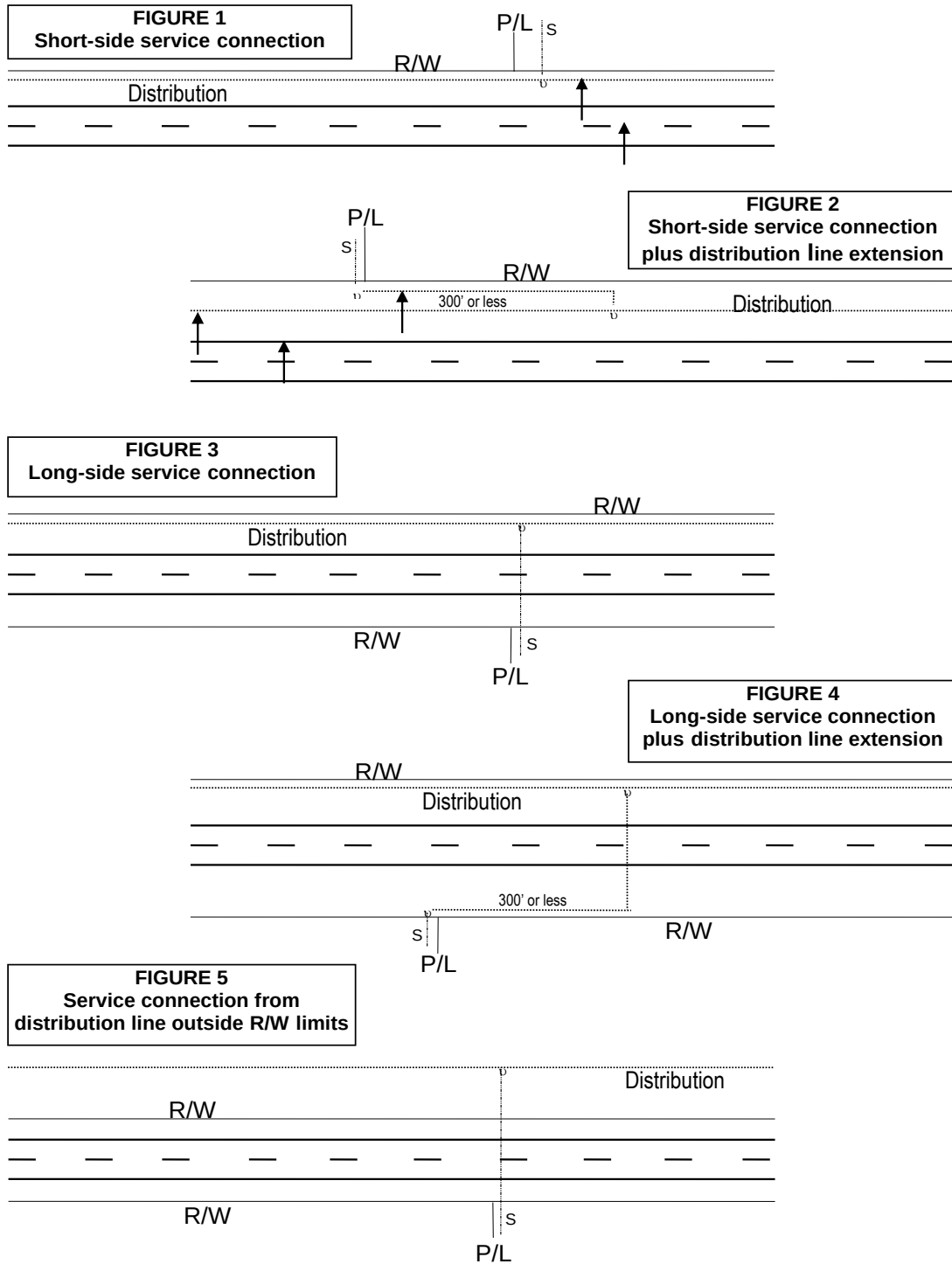
SECTION 11 – ANNUAL SERVICE CONNECTION PERMIT (ASCP)

INDEMNIFICATION:

1. APPLICANT shall indemnify, hold harmless and defend COUNTY, its boards, commissions, agencies, officers, employees, and representatives against any and all liability, loss (including, but not limited to, property damage, bodily injury, and loss of life), damages, costs, or expenses which COUNTY, its officers, employees, agencies, boards, commissions, and representatives may sustain, incur or be required to pay by reason of APPLICANT engaging in the activities authorized by the Permit or which arise out of or are connected with, or are claimed to arise out of or be connected with any of the work done by the APPLICANT, or the construction or maintenance of facilities by APPLICANT, pursuant to the Permit, on, under, or over highway right-of-way, provided, however, that the provisions of this paragraph shall not apply to liabilities, losses, costs, or expenses caused or resulting from the acts or omissions of County, its agents, boards, commissions, officers, employees, or representatives. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands, and actions indemnified against shall include all liability, damage, loss, expense, claims, demands, and actions for damage to any property, lines, or facilities placed by or on behalf of the APPLICANT pursuant to the permit, for any loss of data, information, or material; for trademark, copyright, or patent infringement; for unfair competition or infringement of any other so-called “intangible” property right; for defamation, false arrest, malicious prosecution or any other infringement of personal or property rights of any kind whatever. APPLICANT shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands, and actions. The obligation of APPLICANT under this paragraph shall survive the expiration or termination of the Permit.
2. In order to protect itself and COUNTY, its officers, boards, commissions, agencies, employees, and representatives under the indemnity provisions of paragraph 1, above, APPLICANT will at all times during the term of the Permit keep in full force and effect comprehensive general liability and auto liability insurance policies issued by a company or companies authorized to do business in the State of Wisconsin and licensed by the Wisconsin Insurance Department, with liability coverage provided for therein in the amounts of at least \$1,000,000 Combined Single Limit (CSL). Covered afforded shall apply as primary. COUNTY shall be given ten (10) days advance notice of cancellation or non-renewal. Upon issuance of the Permit, APPLICANT shall furnish COUNTY with a certificate of insurance listing COUNTY as an additional insured and, upon request, certified copies of the required insurance policies. If APPLICANT insurance is underwritten on a Claims-Made basis, the Retroactive Date shall be prior to or coincide with the date of issuance of the Permit, and the Certificate of Insurance shall state that coverage is Claims-Made and indicate the Retroactive date. APPLICANT shall maintain coverage for the duration of the Permit and two years thereafter. APPLICANT shall furnish COUNTY, annually on the Policy renewal date, a Certificate of Insurance as evidence of coverage. It is further agreed that APPLICANT shall furnish COUNTY with a 30-day notice of aggregate erosion, in advance of the Retroactive Date, cancellation, or renewal. It is also agreed that on Claims-Made policies, either APPLICANT or COUNTY may invoke the tail option on behalf of the other party and that the Extended Reporting Period premium shall be paid by the APPLICANT. In the event any action, suit, or other proceeding is brought against COUNTY upon any matter herein indemnified against, COUNTY shall give reasonable notice thereof to APPLICANT and shall cooperate with APPLICANT attorneys in the defense of the action, suit, or other proceeding. APPLICANT shall furnish evidence of adequate Worker’s Compensation Insurance.
3. In case of any sublet work under the Permit, APPLICANT shall furnish evidence that every subcontractor has in force and effect insurance policies providing coverage identical to that required of APPLICANT.
4. The parties do hereby expressly agree that COUNTY, acting at its sole option and through its Risk Manager, may waive all requirements contained in paragraphs 1-3, above, such waiver to be in writing only.

SECTION 11 – ANNUAL SERVICE CONNECTION PERMIT (ASCP)

KEY: R/W = right-of-way P/L = property line S = service v = pedestal, pole or valve



SECTION 13 – APPLICATION MODIFICATION

The County 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; for small cellular systems see Section 61.

SECTION 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 and widening.
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 an 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.
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 line.

To maintain a reasonably uniform utility alignment, location variances may be allowed when the normal right-of-way limits varies.

SECTION 20 – LOCATION REQUIREMENTS

D. Aboveground Longitudinal Location

The longitudinal location of aboveground 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 aboveground utility facility is within the clear zone or is determined to be in a location that has a higher-than-average accident potential, the County may require:

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

To maintain a reasonably uniform utility alignment, location variances may be allowed when the normal right-of-way limit varies.

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 or construction related activities, or
2. It is located longitudinally under the pavement or shoulder for a reconditioning or reconstruction project, or
3. It does not meet current clear zone standards for a new or reconstructed highway.

F. Subsurface Utility Engineering

The use of subsurface utility engineering (SUE) to locate buried facilities is approved by the County. Any utility installation using SUE shall be noted on the permit application form.

SECTION 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.

All utility pedestals, cabinets, transformers, and other aboveground (i.e., not flush with the ground) structures located within the highway right-of-way shall be adequately marked. Markers shall be installed and maintained by the utility owner. Counties will not be liable for damage done to aboveground utility structures that are not adequately marked.

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 County-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 slope 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 manhole installations shall be avoided at highway intersections.

SECTION 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 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 of installation.

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 County 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 County before burying any facility less than the minimum depth required.

B. Overhead

Vertical clearances for overhead utility facilities installed after January 1, 2000, 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.

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 County, 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.

SECTION 23 – INSTALLATION OF 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 County 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 be located within the highway structure's deck for new construction or deck reconstruction projects if the utility notifies the County in advance of or while the structure is being designed.

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 the abutment. Any space between the sleeve and facility it encloses shall be sealed.

SECTION 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 County may grant an exception for a crossing installation on a freeway or expressway. See Sections 32(b) and 35 for freeways.

B. Median Work

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

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 at least 3 working days prior to the expected beginning of work in the median and shall provide an approximate completion date for the work. The phone number has been included in the Appendix as the County Contact Information.
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 lights shall be in operation just prior to and during the work operation. Hazard warning lights on the vehicles shall also be operating.
5. Provide a Temporary Traffic Control (TTC) plan that includes the proper advance, warning, and work area signage in accordance with standards and recommendations of the U.S. DOT FHWA Manual of Uniform Traffic Control Devices (MUTCD) and the Wisconsin Supplement to the MUTCD; or comply with the standards and requirements of the most recent version of the Wisconsin Department of Transportation (WisDOT) Work Zone Field Manual for construction site control measures.
6. Any vehicle of the department or a county or municipal highway department that by reason if it's use upon a highway creates vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing may be equipped with flashing green warning lamps to *only* be used by WisDOT or county or municipal highway department vehicles when working on a highway.

SECTION 25 – BREAKAWAY CONSTRUCTION

Breakaway or 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.

SECTION 26 – SCENIC CONSIDERATIONS

A. General Policy

When feasible, the County 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 the 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 areas, 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 unusually 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 weigh station or rest or recreational area.

SECTIONS 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 sections and the reader is directed to them.

See WisDOT Utility Accommodation Policy.

SECTION 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 sections and the reader is directed to them.

See WisDOT Utility Accommodation Policy.

SECTION 50 – CONSTRUCTION REQUIREMENTS

A. Permit at Job Site

When the County 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 Section 11) when appropriate.

B. Use of Highway Median

Any use of a highway median is prohibited unless specifically authorized by a permit. See Section 24(B) for specific conditions that shall be met if median work is permitted.

C. Use of Temporary Guard Poles

No guard pole shall be set within the right-of-way unless specifically authorized by a 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 Section 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 County.

E. Blasting

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

F. Survey Markers

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

Any survey marker that is disturbed, removed, or destroyed shall be restored by the utility at its expense under the supervision of a registered professional land surveyor or county surveyor. (Reference: Wis. Stats. 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 County. When the removal of a tree is permitted, the stump shall be removed and the hole properly backfilled or cut flush with the ground as directed and approved by the County. At no time shall trees or other vegetation be cut on County right-of-way without approval of the County.

SECTION 50 – CONSTRUCTION REQUIREMENTS

G. Vegetation (continued)

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 (contact information has been provided in the County's Addendum) DNR Service Center Location Information in the county's addendum). The chipping or grinding of trees may be allowed by the County 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 or road maintenance activities.

H. Highway Signs

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

SECTION 51 – TRAFFIC CONTROL

A. Authority

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

1. The current FHWA Manual on Uniform Traffic Control Devices (MUTCD) any supplements thereto, and the Wisconsin Supplement to the MUTCD.
2. Section 643 in the current edition of the Wisconsin Department of Transportation's Standard Specifications for Highway and Structure Construction.
3. Alternatively, and at the County's determination, traffic control may be in accordance with appropriate diagrams found in the Wisconsin Department of Transportation titled "Work Zone Field Manual, Current Edition".
4. All Flaggers shall be certified in accordance with the Wisconsin Department of Transportation standards or guidelines.
5. 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 or if required by County.

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 streets, 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 operations shall be performed without closing all or obstructing part of any highway traffic lane unless it is approved by the County 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 the 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.

SECTION 51 – TRAFFIC CONTROL

C. Traffic Control Selection

1. Factors

When selecting the appropriate traffic control, the applicant shall implement the minimum standards for traffic control by utilizing an appropriate temporary lane closure layout as shown in the MUTCD or WisDOT WZFM, based on the conditions and considerations at the project location, including but not limited to;

Physical characteristics of the road.	Posted speed limit.
Available sight distance.	Weather.
Traffic volume.	Light conditions.
Time of day.	Lane closure may require flagging.

2. Long Term Duration

All stationary daytime utility work which takes longer than one hour to perform should utilize traffic control plans designed in accordance with MUTCD standards and utilizing the MUTCD or WisDOT WZFM guidance for traffic control as it may apply. The County 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 excludes 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. The utility is still responsible for providing traffic control adequate to protect public safety and meeting minimum criteria in accordance with either the MUTCD or WisDOT WZFM.

As part of this traffic control, advance signage, warning signage and 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.

SECTION 52 – WORK SITE SAFETY

A. General

The utility is responsible to assure that the work site is always secure against any hazard to the public 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 County if considered necessary to protect the highway and the traveling public and shall be provided by and at the cost of the utility.

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 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 County, utility, and contractor personnel who are out of their vehicles and within the right-of-way should wear their retro-reflective safety vests or garments meeting ANSI/ISEA 107-2015 for type “R” in Performance Class 2 or 3 in accordance with the standards for minimum criteria of PPE as found in either the MUTCD or WisDOT WZFM at all times.

SECTION 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 backfilling in County's Addendum)
2. Security of the facility against deformation likely to cause leakage.
3. Assurance against the trench entrapping excessive moisture or 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. Underdrains 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, culverts, or other utility work within the right-of-way.

Backfill, compaction and restoration shall be completed to the satisfaction of the County. Alternatively, the County 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 a paved surface and are open to traffic unless specifically authorized in the permit.

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 inslope to toe of inslope 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 County, 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 line 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. The County may allow an alternative method of utility detection provided that the method recommended by the Utility meets basic requirements for utility location and is easily locatable at all times without impact

SECTION 53 – SPECIAL PROVISIONS

. 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 one foot outside the outermost back of curbs.

SECTION 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 within two weeks of completion of work, unless otherwise provided by the permit. Burning of cuttings, brush, or other debris shall not be permitted within the limits of the right-of-way. Also see Section 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 a minimum of 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 condition (as close as possible) **within two weeks** after completion of the facility installation. Exceptions may be allowed (e.g. in the case of bad weather) with prior approval from the County. Failure of the utility to make prompt and satisfactory restorations of the highway or adjacent right-of-way may cause the County to arrange for restoration by others at the utility's expense. For late season work, exhibiting restoration issues in the spring following the completion of work, the Utility shall be responsible for restoration for a period of six months from the completion of the fall work (late season shall mean any work completed after December 1st of the prior year)

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 subsidence, heaving settling or other faulting or movements attributable to the permitted work shall be repaired in a manner satisfactory to the County at the utility's expense. Backfilling Details in the county's addendum shall be used as a guide for backfilling excavation operations (see Appendix).

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 County. 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 County 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 County.

SECTION 55 – EROSION CONTROL AND STORM WATER MANAGEMENT

A. Authority

A utility shall assure that proper erosion control and storm water management measures comply with standards and statutes of the Wisconsin Department of Natural Resources and that they 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 County 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 form, a utility shall check the appropriate box for the category in which it feels the proposed operation belongs.** Based upon the information submitted, the County 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 form 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.

If disturbing more than one acre of land area, an erosion control permit may be required from the appropriate county permit authority and/or the Wisconsin Department of Natural Resources. The Utility is responsible for determining which local or state permit(s) are required for each of its projects and acquiring those needed permit(s) in advance of starting work.

C. Major Projects

1. Definition

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 pavement/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 form. 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 Standard Erosion Control Plan guidance documents and Best Management Practice references from the Wisconsin Department of Natural Resources as a guide in the proper selection, installation, and maintenance of erosion control and storm water management measures.

SECTION 55 – EROSION CONTROL AND STORM WATER MANAGEMENT

Major Projects (continued)

Drawings for some erosion control devices are also available in FDM Chapter 16. Joint County/utility field meetings may also be needed to review proposed erosion control and storm water management plans as that work pertains to the drainage of highways and the associated connected waterways of highways.

Required erosion control and storm water management measures shall be installed at the job site prior to the commencement of work. After installation of the erosion control, measures are completed at a site or when the temporary erosion control measures are no longer required for their intended purpose, the utility shall remove all temporary erosion control 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 restoration of the right-of-way and removal of temporary erosion control measures. The County 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 after restoration has been completed and vegetation been taken; shall be handled under the guidelines listed in Section 07.

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

D. Minor Projects

1. Definition

The County 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 the minor category include, but are not limited to, the following:

1. Overhead crossings.
2. Pole installations
3. Plowing operations.
4. Trenching operations.
5. Any project adjacent to a waterway which is classified as “routine” under the DNR Waterway Crossings Agreement.
6. Hand digging.
7. Small boring operations (moles).
8. Small open pavement/shoulder cuts.

The DNR defines “routine” water crossings as simple plowed-in or directional bored crossings.

SECTION 55 – EROSION CONTROL AND STORM WATER MANAGAEMENT

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 silt fence 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 especially when located near or adjacent to surface waterways.

SECTION 60 – SPECIFIC REQUIREMENTS

The following sections, 61 through 64, cover the various specific requirements relevant to communications, electric, fluids and gases, and private utility facilities.

SECTION 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 governmental 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.

Small cellular carriers are be governed by State Statute and shall participate in the Utility Accommodation Policy requirements. Specifically, locating of these structures in the right-of-way are subject to the following conditions of proof for applicability of need at any given location:

1. Capacity needs: the cellular network is taxed on capacity needs and the request to improve such.
2. Carrier is to supply a Radio Frequency Study (RF) that shows the need for the additional site(s); if requested to do so by the County.
3. Engineering Study:
 - a. any design parameters for communication towers must be fulfilled and submitted (tower, mount, geo-technical, foundation, etc).
 - b. If the cellular provider desires to install equipment on County (highway) facilities; then, each facility must have its design parameters for communication towers analyzed and submitted.
4. Carrier's broadcast responsibilities are
 - a. to identify ALL requirements for install and maintenance of a small cell, and justify the equipment list meets UAP requirements and specifications.

B. Type of Construction

For aboveground (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 County utilizing breakaway technology.

SECTION 61 - COMMUNICATIONS

D. Maintenance Activities

Certain maintenance and other type of utility activities are considered minor in nature and shall 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 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 County.

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, 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 Section 54(A).

4. Locate buried facilities.
5. Stake route for proposed buried cable.
6. Connect and test wiring at buried cable pedestal locations.
7. Crossarm, bracket, and hardware repair/replacement.
8. Add anchor, guy, or brace between pole and right-of-way line or no closer to traveled way than 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 crossarms.
16. Straighten pole, crossarm, or brace.
17. Test or treat existing pole.
18. Remove debris from overhead line.
19. Repair or add grounds.

SECTION 61 - COMMUNICATIONS

20. Resag, reattach, or rearrange conductor.

Maintenance Activities (continued)

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 facilities shall be done in accordance with Section 06(B) of this policy.

SECTION 62 – ELECTRIC

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 or the local governmental regulations apply, the electrical power facility shall at least conform with the currently applicable National Electrical Safety Code.

B. Additional Permit Information

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

C. Type of Construction

For aboveground (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 County utilizing breakaway technology.

E. Maintenance Activities

Certain maintenance and other type of utility activities are considered minor in nature and shall be allowed to be performed without an additional permit same as Section 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 a travel lane, diversion of traffic, etc.), a permit shall first be obtained from the County.

SECTION 62 – ELECTRIC

E. Maintenance Activities (continued)

No additional permit is required for:

1. Switching.
2. Fuse replacement.
3. Transformer replacement.
4. Crossarm, 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, 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 and the old pole removed within 60 days. The old pole shall be completely removed in accordance with Section 54(A).

8. Repair or replacement of overhead conductor 2 spans or less.
9. Line patrolling.
10. Manhole inspection (includes water removal, cable tagging, minor modifications, etc.).
11. Electrolysis surveys.
12. Test for location of underground lines.
13. Paint poles, towers, or crossarms.
14. Straighten pole, crossarm, or brace.
15. Test or treat existing pole.
16. Clean insulators.
17. Remove debris from overhead line.
18. Repair or add grounds.
10. 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.

SECTION 62 - ELECTRIC

E. Maintenance Activities (continued)

24. Replace outdoor lighting bulbs and cleaning glass.
25. Repair or replace outdoor lighting control.
26. Reset time clock 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 Section 06(B) of this policy.

SECTION 63 – FLUIDS AND GASES

A. Standards

The minimum standards 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 Codes 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 Wisconsin Underground Contractors Association's Standard Specifications for Water and Sewer Construction in Wisconsin; most recent version and addendums.
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 with the currently applicable recommended practice of the American Petroleum Institute for pipeline crossings under railroads and highways.
4. Sanitary and storm sewers shall conform with the currently applicable specifications of the Wisconsin Underground Contractors Association's Standard Specifications for Water and Sewer Construction; most recent version and addendums.

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. Requirements 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 nor be concealed by vegetation. These pipes should stand near a fence or the right-of-way line.

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

SECTION 63 – FLUIDS AND GASES

D. Special Treatment of Pipelines

1. General Policy

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 County 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 County, such installation shall be more protective of the highway or of 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 paralleling the highway) would pass in close proximity to a substructural 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 County.

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.
4. Regulator maintenance (change out, lockup check, spring change, etc.).

SECTION 63 – FLUIDS AND GASSES

F. Maintenance Activities (continued)

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 Section 06(B) of this policy.
11. Pit (vault) maintenance (water removal, painting, minor modifications).
12. Minor cutouts and repair of lines (installation of clamps, welds, etc.).
13. Cathodic protection checks and related repair.
14. Sign and marker installation/replacement.
15. Relief vent line inspections.
16. Maintenance and repair of telemetering equipment.
17. Land surveying.
18. Painting aboveground facilities.
19. Grass cutting or snow plowing.
20. Trim trees or remove brush for existing line.

SECTION 64 – PRIVATE UTILITY FACILITIES

A. General

Private utility-type facilities may be allowed to cross County highways and are not subject to approval by the Federal Highway 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 County for right-of-way crossing or occupation. The fee for each installation shall be determined on county-by-county basis and may be based upon, but not limited to, the following:

1. The value of the facility.
2. Complexity of the installation.
3. County 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

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

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

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Resolution 2024 - _____

ESTABLISHING HIGHWAY PERMIT FEES

WHEREAS, Wis. Stat. § 83.025 grants authority to Sawyer County (the “County”) to adopt, operate and maintain a county trunk highway system, and Wis. Stat. § 59.03(2) grants authority to the County to adopt ordinances regulating the use and preservation of county highways;

WHEREAS, the County has under its jurisdiction a County trunk highway system (the “CTH System”);

WHEREAS, the County has adopted Highway Ordinances for the issuance of various permits including: (1) Application/Permit to Work on Highway Right-of-Way; (2) Application/Permit to Construct, Operate, and maintain Utilities Within the Highway Right-of-Way; (3) Application/Permit For Connection to County Trunk Highway; (4) Hauling Permit.

WHEREAS, these permits cost time and resources to issue and establishing a permit would assist in recovering the issuance cost

WHEREAS, these permit fees were discussed at the County Public Works Committee meeting on February 7, 2024, and the County Public Works Committee voted to recommend to the County Board of Supervisors that the County Board of Supervisors adopt the permit fees below and that the Sawyer County Fee Schedule be adopted to reflect these Highway Permit Fees.

NOW, THEREFORE, BE IT RESOLVED, the County Board of Supervisors of the County of Sawyer does establish Highway Permit Fees as follow:

Right-of-Way Permit	\$25.00
Wood Permit	\$25.00
Driveway Permit	\$50.00
Hauling Permit	\$50.00
Hauling Permit (Waste Hauler-1 time -Seasonal)	\$500.00
Utility Permit	
Permit Application & Review Fee*	\$50.00
Fee Per Inspection **	\$100.00
Open Cuts Across Paved Roadways***	\$350.00

*Permit not required for trimming & brushing operations

**Fee per inspection – there shall be no charge for final site inspection. If, however, the right-of-way has not been property restored at the time of inspection and additional inspections are required, a \$100.00 fee shall be charged for each subsequent inspection until the right-of-way has been successfully restored.

***Open cuts will require a restoration agreement between the utility and the Highway Department in addition to the permit fee.

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This Resolution and approval of the Highway Ordinances was recommended for adoption by the Sawyer County Board of Supervisors at its meeting on February 15, 2024, by this Sawyer County Public Works Committee on the 7th day of February, 2024.

Ron Kinsley, Chairperson

Ed Peters, Vice Chairperson

Brian Bisonette, Member

Marc Helwig, Member

Chris Rusk, Member

The Sawyer County Board of Supervisors this 15th day of February, 2024 hereby adopts this Resolution and approves and adopts the Highway Ordinances attached hereto as Exhibit A.

Tweed Shuman
Sawyer County Board of Supervisors Chairman

Lynn Fitch
Sawyer County Clerk



Pride of the Ojibwe

13394 W Trepania Road, Hayward, Wisconsin. 54843
Phone 715-634-8934. Fax 715-634-4797

February 5, 2024

Mr. John Pinnow
Sawyer Co. Highway Commissioner
14688W County Road B
Hayward, WI 54843

Dear Mr. Pinnow,

The Lac Courte Oreilles Tribal Governing Board appreciates your benevolence with regards to resolving the road ban issue to the new LCO Health Center on County Road K. LCO Division of Land Management Executive Director Brian Bisonette has indicated you agree to move the weight limit sign south of the Hwy K driveway provided the Tribe agrees to repair any damages due to necessary construction vehicles contracted for this project. Please accept this correspondence as the Tribes commitment to provide any road repair costs that result from overweight vehicles accessing the new Health Center driveway from County Roads B & K.

Sincerely,

Louis Taylor, Chairman
Lac Courte Oreilles Band of Ojibwe