

Chapter Trans 231

PERMITS FOR DRIVEWAYS AND ALTERATIONS IN STATE TRUNK HIGHWAYS

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

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

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

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

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

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

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

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

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

History: 1–2–56; cr. (9), Register, January, 1999, No. 517, eff. 2–1–99; am. (intro.), (4) to (7) and (9), r. (3), Register, January, 2001, No. 541, eff. 2–1–01; correction in (9) made under s. 13.92 (4) (b) 6., Stats., Register February 2013 No. 686.

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

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

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

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

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

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

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

History: 1–2–56; am. (2), (3), (4) and (6), Register, January, 2001, No. 541, eff. 2–1–01; corrections in (1) and (5) made under s. 13.93 (2m) (b) 5., Stats., Register, January, 2001, No. 541; correction in (1) made under s. 35.17, Stats., Register March 2012 No. 675; CR 22–048; am. (1) Register July 2023 No. 811, eff. 8–1–23.

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

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

located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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