**MONROE COUNTY HIGHWAY DEPARTMENT**

**POLICY ON ACCESS MANAGEMENT**

**ADOPTED BY THE MONROE COUNTY HIGHWAY COMMITTEE**

**18 APRIL 2019**

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**CHAPTER I DEFINITIONS**

For the purposes of this policy, the following definitions shall apply.

1. **AASHTO**

The American Association of State Highway and Transportation Officials.

1. **Access**

A legal right and means to access a parcel or property; a facility providing access.

1. **Access Management**

The process of providing and managing reasonable access to adjoining property while preserving the structural and functional capacity of a public highway and providing for public safety.

The process or system of regulating, controlling or restricting access to a public highway.

1. **Access Permit**

A permit issued by the MCHD approving access to property adjoining a county highway.

1. **Adjoining**

Having a common border with, or being separated from such by an easement.

1. **Applicant**

The individual or entity that will own the facility for which a permit is requested.

1. **Average Daily Traffic (ADT)**

The number of vehicles traveling in both directions (combined) on a highway during a twenty-four (24) hour period, as determined by the MCHD or WISDOT (state highways).

1. **Access Separation**

The distance, in feet, between accesses onto a county highway. The distance is measured from the centerline of one access to the centerline of another, along the travelled way.

1. **Clear Zone**

That portion of the highway right-of-way that is free of obstructions (fixed obstacles) and that has generally traversable slopes. The clear zone is measured from the edge of the travelled way to the nearest obstruction or the beginning of a non-traversable slope.

1. **Contractor**

A person, partnership or corporation professionally engaged in highway construction or site development and licensed to conduct business in the State of Wisconsin.

1. **County Highway**

County Trunk Highway (CTH), a public road as defined by §83.025, Wisconsin Statutes, including municipal extensions thereof, under the jurisdiction of the MCHD.

The term “highway” includes the entire area within the highway right-of-way.

1. **Design Exception**

A technical alternative to an element of a design standard that does not substantially change the design concept. The requestor must demonstrate that a lesser design value is a reasonable alternative to the strict application of the standard, with or without mitigation.

1. **Easement**

A grant of one or more property rights by one property owner to another.

1. **Exceptional Hardship**

A circumstance where special conditions, which were not self-created, affect a particular property and make strict compliance with this policy excessively burdensome.

A person seeking variance or exception from the provisions of this policy must demonstrate that an exceptional hardship exists and that compliance would be unreasonable.

1. **Frontage Road**

A private or public road, located outside of a public highway right-of-way, typically parallel to the highway, that provides access to one or more parcels adjoining the highway.

1. **High Hazard Location**

A location on a highway or an intersection where high crash rates are documented or the potential for conflict with highway traffic exists, that requires additional consideration and implementation of measures to reduce the potential for impacts to public safety.

1. **MCHD**

The Monroe County Highway Department including its employees, agents and contractors.

For purposes of this policy, MCHD shall be transposable with Monroe County**.**

1. **OWNER**

The person, persons, partnership, corporation or other entity legally owning real property.

1. **Parcel**

A tract or area of land whose boundaries have been established by some legal instrument which is recognized as a separate legal entity for the purposes of transfer of title and which complies with the dimensional requirements of Monroe County land use ordinances.

1. **Plat**

An exact and detailed map of the subdivision of land.

1. **Public Road**

Any road, street, alley, highway, expressway, avenue or drive, under the jurisdiction of a public entity, intended for use of motorized vehicles, which is open to use by the public.

1. **Right-of-Way**

Land reserved, used or to be used for a road, drainage facility or other public purpose.

1. **Shared Access**

An access located between parcels of separate ownership providing legal access for both, or all, parties to an agreement. Shared accesses are typically located within an easement.

1. **Sight Triangle**

A triangular-shaped area at an intersection in which obstructions to line of sight are controlled.

1. **Stopping Sight Distance**

Measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.

1. **Subdivision**

Any division, re-division or other separation of a parcel of land into two (2) or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries.

1. **Traffic Impact Analysis**

A comprehensive collection and analysis of information necessary to accurately evaluate the effect and impact of traffic generated by a development on the current and future highway network surrounding the development. A Traffic Impact Analysis is typically used to determine the scope of improvements necessary to mitigate impacts of development.

1. **Traveled Way**

The portion of the highway reserved for the movement of vehicles including auxiliary lanes but excluding the shoulders. The traveled way typically lies between the edge-line striping.

1. **Variance**

A request for exemption from a provision of the policy.

**CHAPTER II INTRODUCTION**

To facilitate the beneficial public use of Monroe County highway rights-of-way consistent with Wisconsin State Law, the Monroe County Board of Supervisors has adopted this policy for the management of private access encroachments within those rights-of-way. The intent of this policy is to provide for the location, construction and improvement of those encroachments in accordance with highway and land use design standards, specifications and procedures adopted by the county, and

1. To protect the health and safety of the public
2. To provide for the preservation of public highway investments
3. To minimize conflicts between highway traffic and private access
4. To preserve an acceptable level of service on county highways
5. To provide for the appropriate location and number of access encroachments
6. To preserve the structural and functional integrity of the public infrastructure
7. To provide for reasonable performance and maintenance assurances
8. To establish appropriate design, construction and maintenance standards
9. To ensure the proper and timely construction of required improvements.

Through the provisions of this policy, the Monroe County Highway Department (MCHD) will administer the standards necessary to protect public health and safety, maintain reasonable levels of traffic movement, maintain highway drainage and to preserve functional levels of service of the highway system while meeting regional, local and private transportation demands and interests.

While the owner of property adjoining a county highway has an interest in access to that highway, and the county respects that interest, the county has a prevailing duty to maintain the integrity and capacity of the highway system and to provide for public safety. Direct access to a county highway may not be reasonable, or possible, for all parcels, at all locations or in all situations.

**A) AUTHORITY**

Pursuant to applicable laws, regulations and rules, specifically §86.07(2)(a), Wisconsin Statutes, and §32-21, Monroe County General Code, the MCHD shall regulate, permit and manage vehicular access to and from Monroe County highways, to and from any property adjoining the highway.

This policy shall apply to all access facilities providing, or proposed to provide, access to and from a county highway to and from any property, upon enactment of the policy by the Board of Supervisors.

This policy shall not be interpreted in any manner or form to limit or restrict the authority of the MCHD to maintain, operate, improve, construct, reconstruct, manage, widen or expand any county highway as may be best determined, as provided by law, including the modification, restriction or elimination of any access permitted under this policy or permitted prior to the adoption of this policy.

**B) PREVIOUS POLICY REPEALED**

Any previous policy or practice, formal or informal, governing access to county highways is hereby repealed, provided such repeal shall not affect the right of the MCHD to institute any action at law or in equity to require compliance or prosecute violations thereunder. The MCHD shall reserve all such causes of action and not excuse any violation under prior rules and regulations.

**C) INTERPRETATION**

The MCHD shall render any interpretations of this policy which are necessary to promote the efficient administration and review of access requests. This policy shall be interpreted strictly and in accordance with the standards set forth herein. Whenever any provision of this policy coincides with or contradicts any other provision of this policy, any other Monroe County ordinance, or any other statute, regulation or administrative rule, the more restrictive or higher standard shall control.

**D) SEVERABILITY**

Each chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase, word, provision, rule, regulation or restriction established by this policy, or any amendments thereto, are hereby declared to be separable and independent, in accordance with the following:

1. Should a court of competent jurisdiction adjudge any provision of this policy to be invalid, such judgment shall not affect any provision not specifically included in the judgment.
2. Should a court of competent jurisdiction adjudge to be invalid the application of any provision of this policy to a particular property, development, access, highway improvement or access facility, such judgment shall not affect the application of the provisions to any property, access or highway improvement not specifically included in the judgment.

**E) RESOLUTION OF DISPUTES**

In the event of any controversy or dispute under this policy or in any claim or action arising hereunder or related hereto, whether in contract or tort, they shall be governed by the laws of the State of Wisconsin. Any claim or action arising from the provisions of this policy or administration thereof shall be brought only in the Circuit Court of Monroe County, Wisconsin.

**F) JURISDICTION**

This policy shall apply to all public highways under the jurisdiction of Monroe County.

**G) IDEMNIFICATION**

In applying for, accepting and exercising an access permit, the OWNER agrees to and shall indemnify, hold harmless and defend the MCHD, its officers, agents and employees from all liability, damage, loss, expense, claim, demand and action of any nature whatsoever that it or they may sustain as a result of any suit, action or claim of any character brought on account of property damage, injury to or death of any person or persons, including all persons performing any work under the access permit, which may arise in connection with the work to be performed under the access permit.

The access permit is not intended nor is it implied, by any of the terms and conditions or any part of the permit, to make the public or any member thereof a third party beneficiary of the permit, or to authorize anyone not a party to the permit to maintain a suit for personal injury or property damage pursuant to the provisions of the permit. The duties, obligations and responsibilities of the parties to the access permit with respect to third parties shall remain as imposed by law.

**H) HIGHWAYS WITHIN CORPORATE LIMITS**

For county highways, or parts of county highways, located within the limits of an incorporated city or village, the provisions of this policy shall apply as they relate to access and access improvements only within the county highway right-of-way, unless an interlocal agreement between the county and the city or village provides for alternative jurisdiction or standards.

**I) COMPLIANCE**

No new access to a highway under the jurisdiction of the MCHD shall be approved or constructed, and no existing access shall be modified, that does not comply with the provisions of this policy.

Vehicular access to or from any property adjoining a highway under the jurisdiction of the MCHD shall be achieved only through a properly permitted, designed, constructed and approved access.

**J) IMPLEMENTATION**

Upon the effective date of this policy no person shall establish, construct, reconstruct, improve, modify or expand any access providing direct movement to or from any highway under the jurisdiction of the MCHD, or encroach upon said right-of-way in any manner, without possession of a permit approved and issued by the MCHD. Any permit issued under this policy shall constitute an obligation by the OWNER to perform all work in compliance with the provisions of the policy, terms of the permit and associated design, construction and maintenance standards.

Access permits shall be issued only in accordance with this policy. No verbal or other informal approval or consent shall be considered valid. No access to a highway under the jurisdiction of the MCHD shall be permitted or allowed that is determined to compromise public health or safety.

**K) VIOLATIONS & PENALTIES**

In the event of any violation of this policy, the MCHD may institute appropriate legal action against the violator, pursuant to §86.07(2), Wisconsin Statutes. Each day in which a violation continues to exist shall constitute a separate offense. No person shall resist, obstruct or interfere in any way with the MCHD in the enforcement of this policy, or fail to obey the order of the MCHD.

Any person found guilty of violating any part of this policy or who fails or refuses to comply with any provision of this policy or any term or condition of an approved permit shall be subject, pursuant to statute, to a forfeiture of “a fine of not less than $50 nor more than $500, or by imprisonment not exceeding 6 months, or both” for each offense, together with the costs of prosecution and the costs of the removal, by or for the MCHD, of the access, the restoration of the right-of-way and the repair of any damage to any highway structure, appurtenance of facility.

**L) PROHIBITIONS**

No person shall construct an access to a MCHD highway without a valid access permit.

Entrance to or exit from a MCHD highway shall be prohibited except at designated access points.

No person shall alter, in any way and to any degree, existing appurtenances or features within the highway right-of-way including but not limited to waterways, ditches, culverts, pavements and bridges, including existing accesses, until or unless a permit has been obtained from the MCHD.

**M) AMENDMENT TO POLICY**

This policy may be amended by the Monroe County Board of Supervisors.

Upon notice, the amended policy shall have the full force and effect as the existing policy.

**CHAPTER III ADMINISTRATION**

**A) OBTAINING A PERMIT**

A person(s) wishing to apply for direct access to a county highway shall contact the MCHD, which may require any of the following, at the discretion of the MCHD, for the evaluation of an access:

1. Highway and access plan and profile
2. Stormwater management plan of the site showing impact to the highway right-of-way.
3. A site map detailing the location of utility facilities and installations, existing and proposed.
4. A subdivision development plan.
5. A property map identifying the distance from other accesses or adjoining public highways.
6. A proposed access design.
7. Any additional information the MCHD determines to be necessary to facilitate review.

In applying for and accepting the issuance of a permit, the OWNER certifies that they have read, understand and agree to all provisions of this policy and the terms and conditions of the permit.

Upon receipt of a permit application, the MCHD shall employ this policy in the review of the application. The MCHD will work cooperatively with the OWNER to attempt to resolve any conflict prior to taking final action. The responsibility of meeting the provisions of this policy, however, is entirely that of the OWNER. Before denying an application the MCHD will discuss the conflicting issue(s) with the OWNER and attempt to reasonably mitigate the cause for denial.

A permit application shall conform to all chapters, sections and provisions of this policy.

The MCHD shall typically act upon an application within two (2) weeks by transmittal of an approved permit, the issuance of a preliminary or construction permit, or denial of the application.

**B) TYPES OF ACCESS**

An access is classified by its use or how it serves a property. Types of use include:

1. **Commercial & Industrial**

A driveway or private road that serves a business, organization or corporate interest.

A large agriculture-based operation may be classified as commercial or industrial.

A residential complex with five (5) or more units may be classified as commercial.

1. **Residential**

A driveway or private road that serves fewer than five (5) single family homes.

1. **Agricultural Field Access**

A field access or access to recreational lands. This type may also provide access to farm structures but not residential buildings. It does not include access to commercial activities.

1. **Public Road**

A highway, road, street or alley that is under the jurisdiction of a unit of government.

**C) PERFORMANCE GUARANTEE**

The OWNER may be required to post a performance guarantee, in the form of a cash deposit or irrevocable surety, at the time of application. The performance guarantee shall be returned to the OWNER upon the successful completion of the access, as inspected and approved by the MCHD.

The OWNER shall agree that any performance guarantees that are forfeited, in the event of failure to complete the permitted project as specified, abandonment of the project or any other default, shall be forfeited not as a penalty but in liquidation of damages sustained by the MCHD.

The MCHD may, at their discretion, waive the performance guarantee for certain permits.

**D) PRELIMINARY ACCESS PERMITS**

The OWNER may apply for a Preliminary Access Permit to determine that access to the county highway is possible and to determine an acceptable location for an access. The MCHD will review the proposal and may grant conceptual approval. The MCHD is not responsible for determining the location or design of access onto county highways. The OWNER shall be responsible for clearly demonstrating that the access would be consistent with adopted design standards and the provisions of this policy. The OWNER may benefit from obtaining the assistance of a licensed civil engineer. The MCHD may forward proposals to the county's consulting engineer for further review. The OWNER shall be responsible for the total cost of the review. Upon approval, the exact location and design of the access shall be identified on all subsequent plan submittals.

An Access Encroachment Permit fee is payable at the time of application.

A preliminary access permit may remain valid for up to twelve (12) months, may be extended upon request of the OWNER and approval by the MCHD, and may be converted to a standard permit upon final plat approval, provided that no change to the design or location has occurred.

**E) TEMPORARY ACCESS**

To facilitate short-term access to a county highway, approval of temporary accesses may be granted provided that the access conforms to the provisions of this policy and adopted design standards. The OWNER shall remove the temporary access and fully restore the right-of-way to its pre-existing condition within one-hundred-eighty (180) days from the date of permit approval.

**F) MULTIPLE PARCELS**

When an OWNER owns more than one parcel adjoining another and that OWNER elects to divide, subdivide or otherwise separate those parcels in any manner, the resultant parcels shall be considered as a single parcel under this policy unless each individual parcel is forty (40) acres or larger in size.

**G) SUBDIVISION OF LAND**

Before any parcel is divided, subdivided or otherwise separated in any manner, the OWNER shall demonstrate that legal access to all of the resultant parcels can be provided in compliance with the provisions of this policy and the Monroe County Subdivision and Land Use regulations.

**H) INSURANCE AND LICENSE**

At the time of application the OWNER shall provide a current Certificate of Public Liability Insurance in the minimum amount of $1,000,000.00, naming Monroe County as an additional insured, or shall employ an excavation contractor licensed by the State of Wisconsin and possessing such insurance coverage to perform any work within the county highway right-of-way.

**I) USE OF ACCESS**

It is the responsibility of the OWNER to ensure that the use of the permitted access is not, and does not become, in violation of the provisions of this policy or the terms and conditions of the approved permit. The terms of the permit are binding upon all owners, assigns, successors-in-interest and heirs.

When any change occurs in the use of the property that results in changes in the use or operation of an access onto a county highway and the access no longer conforms to this policy or the terms of the approved permit, the reconstruction or relocation of the access will be required.

The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for any permits that may be required, in advance of such activity.

**J) EXISTING ACCESSES**

An access to a county highway that was appropriately established prior to the adoption of this policy may remain as if permitted under this policy provided that:

1. The access is operated and maintained in conformance to this policy, and
2. The access provides service only to the adjoining property(s), and
3. The use of the access, both function and capacity, has not changed, and
4. Continued use of the access does not compromise public safety.

It is the intent, and shall be the practice of the MCHD, to apply the provisions of this policy to new encroachments and to appropriately-established existing access only as defined herein.

When any change occurs in the use of the property that results in changes in the use or operation of an access onto a county highway and the access no longer conforms to this policy or the terms of the approved permit, the reconstruction or relocation of the access will be required.

The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for any permits that may be required, in advance of such activity.

**K) VACATION OF ACCESS**

Should the MCHD determine that use of an existing access has been discontinued for a period of two (2) consecutive years, the MCHD shall notify the OWNER by certified mail that the access is considered to be vacated. The OWNER shall have thirty (30) days to respond. If, after thirty (30) days the MCHD determines that the access has been vacated, the access shall be considered vacated and its use will no longer be permitted. The MCHD may then have the access removed.

**L) ILLEGAL ENCROACHMENT**

Pursuant to §86.02 and §86.04, Wisconsin Statutes, the MCHD shall remove or cause to be removed any highway encroachment not specifically permitted under the provisions of this policy.

The OWNER shall be sent written notice of an illegal encroachment, access location or use, and a ten (10) day notification of pending action, after which the MCHD may install barriers across or remove an access not conforming to this policy. In the event the encroachment presents an immediate hazard to public safety, the MCHD may remove the encroachment without notification.

The OWNER shall be responsible for any expense incurred by the MCHD in pursuit of such removal.

**M) PERMIT FEES**

The Monroe County Highway Committee has approved a schedule of fees for permits issued pursuant to this policy. Additional fees may be assessed for review of more complex applications.

The current MCHD fee schedule is found as ATTACHMENT A to this policy.

**N) PERMIT APPLICATION**

The current application form is found in ATTACHMENT B. All parts of the application must be completed and submitted along with required design drawings and other required information.

**O) OWNER RESPONSIBILITY**

The OWNER, their assigns, successors-in-interest and heirs, of the property served by the access shall be responsible for continuously meeting the provisions of the permit. The OWNER shall be responsible for maintaining the access in a safe, operational condition, as determined by the MCHD.

An access permit shall be considered in full force and effect from the time of approval until the permit is terminated by the MCHD or abandoned by the OWNER. The MCHD may terminate a permit should the OWNER fail to continuously conform to the terms and conditions of the permit. In the event of termination or abandonment, the OWNER shall be responsible for removing the access and restoring the highway right-of-way to at least its original condition.

Should the OWNER fail to remove the access and restore the right-of-way, the MCHD may cause the work to be performed. The OWNER shall be responsible for all expenses incurred by the MCHD for such action and for any damage to the highway resulting from any action or inaction by the OWNER.

The OWNER shall be responsible for their desired removal of any snow from the access even when deposited onto the access in the course of county highway snow removal operations.

**SNOW SHALL NOT BE DEPOSITED ONTO OR ACROSS A COUNTY HIGHWAY.**

In accepting and exercising a permit, the OWNER, their successors or assigns, agrees to hold the MCHD harmless in any claim or action arising from the performance of any work, material, installation, maintenance or operation of the access, from the occupancy of the public easement or from any operation or construction of the county highway. The OWNER additionally agrees, in the event of such claim or action, that they shall defend the same solely at their expense.

**P) TRAFFIC IMPACT ANALYSIS**

The OWNER of any proposed development that would result in an increase to existing traffic volumes by twenty-five percent (25%) or more, or that potentially may exceed or compromise the geometric design, safety, function or structural capacity of the existing county highway(s), as determined by and at the discretion of the MCHD, shall provide, through a licensed civil engineer, a comprehensive study and subsequent design proposal for review by the MCHD.

The study and subsequent review may include but may not be limited to:

1. Geometric design and alignment,
2. Traffic control devices and pavement marking,
3. Structural and functional capacity of the existing highway,
4. Pavement or surface condition of the existing highway,
5. Pedestrian or multi-modal traffic facilities and
6. Other public safety concerns.

The OWNER shall be responsible for all costs associated with the development of the Traffic Impact Analysis, the design and review process and the construction of any improvements recommended or identified through the analysis and as approved or directed by the MCHD.

**Q) PERMIT EXPIRATION**

All permits shall expire six (6) months after application and approval unless extended by request of the OWNER and approval of the MCHD. Construction shall be completed within this time.

**CHAPTER IV ACCESS CONTROL STANDARDS**

To provide for the effective management and functional integrity of the county highway system, to maintain desirable traffic movement and flow, to reduce the potential for conflict and to enhance public safety while providing for reasonable access to county highways from adjoining property, the following guidelines establish levels of access control applied to Monroe County highways, based upon the functional classification assigned to a highway or a highway segment.

These are considered to be minimum standards. Consideration may be given where topography, property limitations and current highway design may limit full compliance with these standards.

An access should serve as many parcels as reasonably possible to reduce the demand for expanded highway capacity, to minimize additional encroachments into the highway right-of-way, to minimize potential conflicts and to maintain reasonable levels of traffic movement on the highway.

**A) NUMBER OF ACCESSES**

Only one (1) access to a county highway from a single parcel or adjoining parcels under the same ownership shall be permitted. Multiple adjoining parcels ten (10) acres in size or smaller, and multiple adjoining parcels with highway frontage less than the minimum access spacing required for the highway as established in Section B (4), (5), and (6), shall be considered as a single parcel, with shared or indirect access required to reduce the number of accesses to the highway.

**B) SEPARATION OF ACCESSES**

1. The access spacing values in Sections B (4), (5) and (6) are from Exhibit 15-41 of the ***Access Management Manual*** developed and published by the Transportation Research Board, a program unit of the National Academy of Sciences, Engineering and Medicine.
2. The separation of access distance is measured from the centerline of the proposed access to the centerline of the nearest, existing, private access or public road that occurs on the same side of the highway as the proposed access.
3. For the purpose of determining access spacing, accesses to minor utility facilities shall not be considered. Minor utility facilities include fire hydrants, communications or electrical cabinets and similar structures that require only infrequent motor vehicle access.
4. **Major Collector Highways**

All accesses to a Major Collector Highway shall be separated from an intersecting County Major Collector Highway or State Trunk Highway by a minimum of eight hundred eighty (880) feet, and shall be separated from another private access, County Minor Collector Highway, Town Road or City or Village Street by a minimum of six hundred (600) feet.

1. **Minor Collector Highways**

All accesses to a Minor Collector Highway shall be separated from an intersecting county or state highway, or other public road, by a minimum of six hundred sixty (660) feet, and shall be separated from another private access by a minimum of three hundred (300)feet.

1. **Local Access Highways**

All accesses to a Local Access Highway shall be separated from an intersecting county or state highway or other public road, by a minimum of three hundred thirty (330) feet, and shall be separated from another private access by a minimum of two hundred (200) feet.

**C) INDIRECT ACCESS**

Access to a county highway may be prohibited when a parcel adjoining the county highway has frontage on one or more other local streets or roads, or county highways with a lesser ADT, and reasonable access can be provided from said local streets, roads or highways. The MCHD shall determine, on a site-specific basis whether access will be permitted to the county highway.

**D) SHARED ACCESS**

Certain geometric, land-use or site conditions may require shared access among two or more developments or parcels. This may occur when frontage to the county highway is narrow and each development or parcel is unable to separately meet the requirements of this policy. In these instances, a permit for shared access may be required for the adjoining developments or parcels.

The MCHD shall determine on a site-specific basis when shared access shall be required.

Shared accesses shall fully comply with the provisions of this policy. Shared accesses should be designed and constructed to equally divide the access between adjoining parcels, at the discretion of the OWNERS. Development of a shared access easement between the adjoining OWNERS is recommended. The shared access shall extend at least to the outer limit of the highway right-of-way.

**E) FRONTAGE ROADS**

Frontage roads, located outside the highway right-of-way, may be required to provide access to multiple parcels adjoining a county highway. Frontage roads are typically parallel to the county highway. Frontage road access to a county highway shall conform to the provisions of this policy.

**F) TURN MOVEMENT RESTRICTION**

The restriction of certain turning movements to or from an access may be designated by the MCHD.

Conditions under which restricting such movements may be considered include:

1. Where numerous low-volume accesses exist and the spacing between them does not permit adequate left-turn tapers or drop lanes for inbound vehicles without blocking other accesses.
2. At access points close to an intersection with a public road where inbound or outbound left turns would have to be made within areas where traffic is queued during any time of day.
3. Where other conditions, such as sight distance, prevent safe left turns in or out of an access.
4. Where a parcel is provided with more than one access and volumes do not justify left-turn into and/or from both access points. Restrictions made be required at one or both accesses.
5. When a parcel has access to a highway provided by both a signalized access and an un-signalized access, left turns in and out may be prohibited at the un-signalized location.
6. When a median, or other barrier or separation device, opening for left-turning vehicles would be too close to another median opening, left turns may be prohibited at one of the accesses.
7. When other capacity, delay, operational or safety conditions make specific left turns in or out detrimental to the public interest. These conditions will be identified on a site specific basis.

Turning movements shall be enforced with barrier median channelization or driveway channelization. The MCHD shall determine the type of channelization on a case-by-case basis.

**G) FORWARD MOVEMENT ONLY**

All vehicles shall enter or exit a county highway only in a forward movement.

All accesses shall be designed and constructed to provide that all vehicles projected to use the access may enter and exit the highway in a forward movement. All accesses shall be designed and constructed to accommodate the internal turnaround of all vehicles using the access.

**Backing onto or from the county highway is prohibited.**

**H) ALIGNMENT**

1. All accesses shall intersect the county highway at a ninety degree (90o) angle.
2. In the event an existing private access or public road intersects the county highway opposite the property, or along the property frontage, for which an access permit is being requested, the proposed access shall be aligned with the existing, opposing, access or road.

Property owners are strongly encouraged to secure an approved access permit before designing improvements to the property or planning the location and design of any structure on the property, and develop such design reflective of the location of the approved access.

**I) HIGH HAZARD LOCATIONS**

Access to a county highway may be prohibited or restricted where a highway or highway segment has an unusually high crash rate, or the potential for impacts to public safety exist due to topographic or other features may, as determined by the MCHD, render direct access from a parcel unsafe.

**J) SUBDIVISIONS & COMMERCIAL DEVELOPMENTS**

Upon the effective date of this policy, no person(s) may submit an application for the subdivision or commercial development of property adjoining a county highway unless the subdivision or development plan provides that all parcels created by the subdivision will have access to the highway system in conformance with this policy and the Monroe County Subdivision Regulations.

The purpose of county highways is to safely accommodate local and regional vehicular traffic, not to supplement the internal circulation system of a private subdivision or other development.

1. Direct access from the subdivision or development to a county highway shall be permitted only if the access clearly meets the terms, provisions and requirements of this policy.
2. Access to individual lots shall only be achieved from an internal traffic circulation system.
3. A county highway shall not be used in lieu of an adequate internal traffic circulation system.
4. The use of the highway as any part of an internal traffic circulation system of is prohibited.

**K) TRIP GENERATION**

The projected traffic generated by a development shall be determined through application of the concepts found in the Institute of Traffic Engineers(ITE) ***Trip Generation Manual*** or by selecting from the generation rates established by the ITE as shown in ATTACHMENT C.

Trip generation rates from other sources may be used if the OWNER clearly demonstrates that those sources better reflect local conditions, and are approved in advance by the MCHD.

**L) CHANGE IN LAND USE**

If a change in land use or land-use density occurs and an existing access is proposed to be used, the OWNER shall make an application to the MCHD for the continued use of that access. The application shall be reviewed as if it were a new access. All provisions of this policy shall apply.

**M) PREVIOUSLY PLATTED PARCELS**

Access to property subdivided prior to the date of adoption of this policy shall comply with the provisions and requirements of this policy to the greatest extent possible. Owners of such property for which access is being requested and for which strict compliance with this policy cannot be reasonably attained may request exception to specific provisions of the policy. Said exception shall result in the least possible deviation from the standards and specifications of the policy.

**N) ADJACENT PUBLIC ROADS**

Where a parcel abuts more than one public road, access shall be accommodated only on the public road with the lesser functional classification, or the lower ADT, unless the MCHD determines that granting access to the other road is in the best interests of the public. As an example, if a parcel adjoins a county highway and a town road, the parcel would be required to access the town road.

**O) SPEED CHANGE LANES**

Speed change lanes (auxiliary lanes) may be required to provide for the safe exit and entry of vehicles using an access and to provide for safe and efficient travel upon, and operation of, the county highway. The demand for additional lanes is typically identified through a **Traffic Impact Analysis** performed as a condition of a subdivision or another significant development.

The conduct of a Traffic Impact Analysis shall be consistent with adopted highway design standards, the criteria established by the ITE and the Monroe County Subdivision Regulations.

When a Traffic Impact Analysis is required, the OWNER shall provide, through a licensed civil engineer, a comprehensive study and subsequent design proposal for review by the MCHD. The OWNER shall alone be responsible for all costs associated with this review process and the construction of any highway improvements recommended through the study.

**P) EXCEPTION**

The MCHD may consider waiver of a provision or requirement of this policy to mitigate terrain, property boundary, environmental or operational concerns. Exceptions shall result in the least possible deviation from the standards and specifications of the policy. No exception shall be granted that compromises public safety or the structural and functional integrity of the highway.

The MCHD may require that an access for which exception is requested be designed by a licensed civil engineer and submitted to the MCHD for review. The OWNER shall be responsible for all costs associated with the design and review, including that of the county’s consulting engineer.

**CHAPTER V CONTROLLED ACCESS HIGHWAYS**

Pursuant and subject to §83.027, Wisconsin Statutes, the Monroe County Board of Supervisors may, upon the recommendation and resolution of the Monroe County Highway Committee, designate a county highway or segment of a county highway as a controlled access highway.

**CHAPTER VI DESIGN STANDARDS & SPECIFICATIONS**

All private access to Monroe County highways shall be designed and located in conformance with the standards and specifications established through and referenced in this policy. Any deviation from these provisions must be filed as a variance request as prescribed in Chapter VIII of the policy.

The OWNER shall be alone responsible for ensuring compliance with these standards.

The MCHD has adopted AASHTO design standards and the Wisconsin Department of Transportation ***Standard Specifications for Highway and Structure Construction***. All design, work performed and all materials placed within county highway rights-of-way shall conform to these standards.

Any access that is not located, designed and constructed in conformance with these standards will not be approved.The OWNER shall be alone responsible for ensuring that all installations are located, designed and constructed in conformance with these standards or as directed by the MCHD.

**A) WIDTH OF ACCESS**

1. Single Family Residential - minimum of 16 feet to maximum of 20 feet.
2. Multi-Family Residential - minimum of 18 feet to maximum of 22 feet.
3. Commercial & Industrial - minimum of 28 feet to maximum of 32 feet.
4. When a subdivision access, or another public highway, intersects with a county highway, the access width shall be determined through application of AASHTO design standards.

***\* The width of an access is measured outside of the approach radius.***

**B) APPROACH RADIUS**

At the intersection with a county highway, all residential accesses shall have an equivalent radius of fifteen (15) feet minimum to twenty-five (25) feet maximum. All accesses intended for commercial or industrial use, or that may routinely serve over-size vehicles, shall have an equivalent radius of thirty-five (35) feet minimum to forty-five (45) feet maximum.

The outer limit of the radius shall be at least five (5) feet from the adjoining property line.

**C) SURFACING**

All Commercial & Industrial and Subdivision accesses onto paved county highways, extending to the right-of-way limit, shall be surfaced with a commercial hot-mix asphalt concrete pavement, consistent with the adopted highway design and construction standards. Typically, a minimum three (3) inch asphalt pavement over a minimum four (4) inch crushed, compacted, aggregate base would be considered appropriate for the portion of the access within the highway right-of-way.

All other accesses onto county highways should be paved. All accesses, at a minimum, shall be surfaced with crushed aggregate material, graded, shaped and compacted to match the county highway surface. Materials shall be placed and compacted consistent with approved standards.

All accesses to county highways shall be constructed in conformance to these standards, from the edge of the intersected highway to the outer limit of the highway right-of-way.

Subdivision access to county highways shall be designed and constructed in accordance with the provisions of this policy, adopted design standards and Monroe County Subdivision Regulations.

**No concrete pavement or surfacing may be placed within the county highway right-of-way**, excepting an approach intersecting a highway with an existing concrete curb and gutter.

**D) CURB & GUTTER**

When an access is approved on a highway with an existing concrete curb and gutter, the complete curb and gutter structure shall be removed to the nearest constructed joint outside of the designed replacement and recast to accommodate the access. The recast structure shall be constructed with appropriate side tapers. The curb and gutter shall be cast separately from the access pavement.

**E) MAIL DELIVERY TURN-OUTS**

Mail receptacles shall be designed and installed in accordance with United States Postal Service standards (ATTACHMENT D), at a location that does not compromise the safe and efficient movement of traffic on the highway. When a mail-delivery turn-out, or an extended and paved shoulder, is required, it shall be constructed in accordance with approved design standards. The OWNER shall be responsible for all costs of designing and constructing the turn-out.

**F) DESIGN SPEED**

The design speed to be used for designing highway improvements and private accesses under the provisions of this policy shall be equal to or exceed the posted or regulatory speed limit of the county highway to which the improvement is being made or to which access is being requested.

**G) FUNCTIONAL CLASSIFICATION**

Monroe County highways are functionally classified as either Major Collector Highways or Minor Collector Highways, with such designation reflective of their status in the highway network and based upon factors such as traffic volumes and access to other road classes. Local Access Roads are listed in this policy as a reference to applicable Town Roads or City and Village streets.

**H) AVERAGE DAILY TRAFFIC**

The most recent ADT for the county highway subject to the proposed improvement shall be utilized in design calculations, unless such figure is out-of-date or significant change to the highway, traffic or locality has occurred since the ADT was last collected, as determined by the MCHD.

Projected ADT’s may be used if significant increases in traffic are anticipated by the MCHD.

**I) SIGHT DISTANCE**

Permits shall not be issued for any access that allows a turning movement where the sight distance is not sufficient to provide for the safe and efficient movement of traffic exiting from or entering onto a county highway, or encountering the access while upon the county highway. The OWNER shall be responsible for clearly demonstrating that the proposed access conforms to the following criteria.

1. **RESIDENTIAL ACCESS**

The **Stopping Sight Distance** as determined through application of AASHTO design standards and as summarized below, shall be used to identify the appropriate sight distance.

Where an access does not clearly meet this standard,the OWNER shall be responsible for either:

1. Identifying an alternative access location for review by the MCHD, or
2. Through a licensed civil engineer, designing effective mitigation of a substandard location.

That proposal shall be reviewed by the MCHD and may be reviewed by the MCHD's consulting engineer. The OWNER shall be responsible for all costs associated with the review process. The MCHD has no obligation to approve a specific access location.

The OWNER is alone responsible for conformance with this policy. The OWNER may benefit from having a licensed civil engineer develop an access design. At the discretion of the MCHD, an access with specific sight distance or other public safety concerns may be reviewed by the county's consulting engineer. The OWNER shall be responsible for the cost of this review.

The schedules in TABLE 1 identify minimum values. The values for Local Access Roads are from Exhibit 8 of the AASHTO ***Guidelines for Geometric Design of Very Low Volume Local Roads*** ***(ADT < 400)***. The values for Minor Collector and Major Collector Highways are from Table 3-1 of the AASHTO ***Policy on Geometric Design of Highways and Streets***.

**TABLE 1**

**STOPPING SIGHT DISTANCE**

**LOCAL ACCESS ROAD**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35** | **45** | **55** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **205** | **300** | **405** |

**MINOR COLLECTOR HIGHWAY**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35** | **45** | **55** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **250** | **360** | **495** |

**MAJOR COLLECTOR HIGHWAY**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35 (40)** | **45 (50)** | **55 (60)** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **305** | **425** | **570** |

For highways with a posted or regulatory speed limit other than those shown in TABLE 1, the next highest category shall be used to determine the appropriate sight distance requirement.

For calculating sight distance, the height of the driver's eye shall be three and one-half (3.5) feet above the highway surface and the object height shall be two (2) feet above the highway surface.

The driver's eye shall be assumed to be from the centerline of the proposed access.

1. **COMMERCIAL & INDUSTRIAL ACCESS**

For commercial and industrial access, the sight distance requirement shall be determined by applying AASHTO design standards. Sight distance is dependent upon several criteria including:

1. The posted or regulatory speed limit and design speed of the highway,
2. The maximum design vehicle anticipated to use the access,
3. The width and turning radius of the access, and
4. The presence of right or left turn lanes.

The OWNER shall, through a licensed civil engineer, provide a design consistent with adopted design standards, for review by the MCHD. The OWNER shall be responsible for all costs associated with this review including the MCHD consulting engineer, when applicable.

1. **AGRICULTURAL FIELD ACCESS**

Access to agricultural fields or other land use where over-size vehicles may enter the county highway shall be considered as Commercial & Industrial for the purposes of geometric design.

Agricultural field accesses are not required to be paved; however, the OWNER shall apply measures as necessary to prevent tracking onto the county highway and shall immediately remove any dirt, mud or other debris from the highway, to the satisfaction of the MCHD.

1. **SUBDIVISION ACCESS**

The access roads for any development processed through the Monroe County Subdivision Regulations shall be designed and constructed as a part of the development project. This design shall include a review of existing sight distances at the county highway and any improvements necessary to meet the provisions of this policy and the adopted design standards.

The MCHD shall review and may grant conditional approval of a proposed access; however, the access design shall be included in the preliminary and final designs of the development project and shall be constructed prior to the commencement of any development construction activity.

A temporary access may be approved, provided that all stormwater management, erosion control and traffic control measures are installed and maintained throughout the construction process.

**J) INTERSECTION SIGHT DISTANCE**

Clear lines of visibility, or sight triangles, are required for a driver stopped at or approaching an intersection to perceive and avoid conflict with highway traffic approaching the intersection.

For the purposes of this policy, intersection sight distance requirements presume the proposed access to be the minor road of the intersection where an approaching vehicle is required by law to stop.

The distance requirements for this policy correspond with AASHTO “departure” sight triangles.

No vegetation or other object within the sight triangle shall exceed the elevation of the adjacent roadways. No structure or improvement of any kind shall be permitted within the sight triangle.

Prohibited sight triangle obstructions, both permanent and temporary, include, but are not limited to, parked vehicles, agricultural crops, un-mowed grass, piles of snow, and the terrain itself.

Failure to maintain clear sight triangles shall be cause for revocation of the access permit.

The measurement of sight triangles assumes both the drivers eye and the object (target) height to be three and one-half (3.5) feet above the roadway surface. The driver’s eye (on the minor road) is assumed to be fifteen (15) feet from the edge of the travelled way of the major road. The target to the left on the major road shall be the right edge of the travelled way, the target to the right shall be the centerline of the travelled way. Refer to TABLE 2 for intersection sight distance requirements.

The schedules in TABLE 2 identify recommended values. The values for Local Access Roads are from Exhibit 8 of the AASHTO ***Guidelines for Geometric Design of Very Low Volume Local Roads (ADT < 400)***. The values for Minor Collector and Major Collector Highways are from Table 9-6 of the AASHTO ***Policy on Geometric Design of Highways and Streets***.

The distances reflect highways on level terrain, less than three percent (3%) on the major road.

For access locations in steeper terrain, the schedules in TABLE 2 identify minimum values.

The intersection sight distance shall not be less than the stopping sight distance identified in TABLE 1.

**TABLE 2**

**INTERSECTION SIGHT DISTANCE**

**LOCAL ACCESS ROAD**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35** | **45** | **55** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **205** | **300** | **405** |

**MINOR COLLECTOR HIGHWAY**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35** | **45** | **55** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **390** | **500** | **665** |

**MAJOR COLLECTOR HIGHWAY**

|  |  |  |  |
| --- | --- | --- | --- |
| **POSTED SPEED (MPH)** | **35 (40)** | **45 (50)** | **55 (60)** |
| **REQUIRED SIGHT DISTANCE (IN FEET)** | **445** | **610** | **665** |

**K) STORMWATER MANAGEMENT**

Highway stormwater systems and drainage structures are designed exclusively for the management and transfer of stormwater related to the operation of the highway and are not designed or intended to accommodate discharge or transfer of stormwater from adjoining property or development.

No development or access construction, or any other activity on private property, shall discharge stormwater, beyond natural, undeveloped volumes, into or upon the highway right-of-way.

The OWNER shall clearly demonstrate that stormwater from adjoining property will be effectively managed outside of the highway right-of-way. Drainage structures and stormwater management systems installed for private property shall not compromise highway drainage systems and shall be designed, constructed and maintained consistent with approved stormwater management standards.

Prior to beginning soil-disturbing activity, the OWNER should contact the Monroe County Land Conservation Department for information and assistance in developing on-site stormwater management measures, and to determine if additional permitting is required for their project.

The OWNER should also contact the Wisconsin Department of Natural Resources (WDNR) for further information and to determine if additional permitting, for activity near wetlands, waterways, endangered species or other environmentally sensitive areas, is required for their project.

**L) APPROACH CULVERTS**

All private accesses to a county highway shall be constructed with an appropriate drainage pipe, or culvert, unless the MCHD determines that such installation is not required.

1. Access culverts shall have a minimum fifteen (15) inch equivalent diameter.
2. Culverts shall be installed at a uniform grade vertically aligned with the flowline of the highway drainage system and horizontally aligned parallel to the highway centerline.
3. Culverts shall be designed, equipped and installed with (manufactured) tapered end sections, or aprons, with a taper of not less than thirty-three degrees (33o).
4. The access slopes shall be graded, at a minimum, to a uniform four (4) foot horizontal (H) to one foot vertical (V), or a four to one (4:1), slope, with a six-to-one (6:1) slope preferred.
5. Traversable grates or other shielding devices may be required on culvert ends, depending upon the size of the culvert, the placement of the culvert with respect to the highway clear zone, and the functional classification, speed limit and the ADT of the highway.
6. Culverts installed within the highway right-of-way shall be of a type specifically designed for highway construction purposes. Culvert materials approved for installation within the right-of-way are Reinforced Concrete Pipe (RCP) and Corrugated Metal Pipe (CMP).

The use of corrugated (lined) High-Density Polyethylene (HDPE) pipe is discouraged but may be considered in certain, limited, situations such as temporary accesses.

1. All culverts shall have a minimum compacted cover of one (1) foot in depth, **or at least the minimum depth recommended by the manufacturer**, whichever is greater.
2. All culverts shall be designed and installed to complement the existing highway stormwater management system and equal or exceed the capacity of existing drainage structures.
3. The OWNER shall be responsible for furnishing and installing all access culverts and shall be responsible for any damage to the county highway system arising from an improperly designed or constructed structure, or any other act resulting in damage to the highway.

**M) FIXED OBSTACLES PROHIBITED**

Concrete or rock headwalls, abutments, retaining walls or any other structure, device or placement representing a fixed obstacle hazard are strictly prohibited within the county highway right-of-way.

**N) SIGNS**

Standard traffic control signs, as specified by the WISDOT ***Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD)*** and as required or approved by the MCHD shall be used within the highway right-of-way. No other signs, advertisements or devices shall be placed in the right-of-way.

**O) DRIVEWAY MARKERS & LIGHTING**

Driveway markers, if installed, shall be three (3) inch diameter or less reflective markers mounted on small-diameter (less than three-eighths (3/8) inch) round posts, installed at the inside terminus of the approach radius at a height of not more than three (3) feet from the access road surface.

No lighting shall be permitted within the highway right-of-way.

No off-highway lighting shall be permitted to project directly towards traffic on the highway.

**P) MANAGEMENT OF ACCESS**

The MCHD manages and operates the county highway right-of-way; however, the OWNER is alone responsible for the maintenance, repair and replacement of an access that comes under disrepair.

**Q) DAMAGE OR OBSTRUCTION PROHIBITED**

Pursuant to §86.02, 86.021, 86.022 and 86.04, Wisconsin Statutes, nothing shall be placed within the highway right-of-way or roadside drainage facility which would restrict or otherwise compromise the transfer of stormwater, or otherwise damage or interfere with the operation of the highway.

**R) LANDSCAPING**

No planting or establishment of landscaping or ornamental vegetation shall be permitted within the county highway right-of-way, other than low-growth native grasses, as approved by the MCHD.

**S) INVASIVE SPECIES**

The MCHD is working with various partners to manage infestations of invasive vegetation species on highway rights-of-way and throughout Monroe County. The OWNER of property adjoining a county highway is advised that management methods include the application of chemical controls.

**T) RESTORATION OF ACCESS**

Should the highway be reconstructed or otherwise improved by the MCHD, the MCHD shall provide for the restoration of existing accesses. Upon completion, the OWNER shall again be responsible for the access, pursuant to §86.05, Wisconsin Statutes and §32-21 Monroe County General Code.

**U) GATES**

An access with a gate across it shall be designed and installed (set back) so that the longest vehicle that would use the access can completely clear the traveled way of the highway when the gate is closed.

**Gates or other fixed obstacles are not permitted within the county highway right-of-way.**

**V) MANAGEMENT OF HIGHWAY RIGHTS-OF-WAY**

The MCHD ***Policy on Management of Highway Rights-of-Way*** provides additional policy guidance on the design, management and operation of Monroe County highway rights-of-way.

**W) APPROACH GRADES**

The access shall be designed and constructed to slope away from the edge of the highway shoulder, from the surface elevation of the outside shoulder, at a (negative grade) rate of not less than two percent (2%) and not greater than six percent (6%), to at least the centerline of the roadside drainage ditch, or the outer limit of the highway right-of-way, at the discretion of the MCHD.

Outside of the highway right-of-way, the approach shall be designed and constructed at a grade that provides for adequate drainage, prevents discharge of stormwater to the highway right-of-way, minimizes the potential for erosion and provides for a reasonable and safe approach to the highway.

The grade of a subdivision access shall conform to the Monroe County Subdivision Regulations.

**X) SLOPES**

All fill slopes and cut slopes shall be designed and constructed in accordance with adopted MCHD design standards. All slopes within the highway right-of-way shall be a minimum of three (3) feet horizontal (H) to one (1) foot vertical (V), or three to one (3:1), with four to one (4:1) or flatter slopes whenever possible. Constructed slopes shall be graded to blend with the existing highway slopes.

All disturbed or exposed soils shall be stabilized with desirable vegetative ground cover.

The OWNER shall install temporary erosion control measures as required by the MCHD and shall maintain the temporary measures until permanent ground cover has been well established.

**Y) APPLICATION OF STANDARDS**

The judgment of the MCHD shall be the determining basis of decisions for approval or denial of requests for access to county highways. The MCHD will work cooperatively with the OWNER to identify and resolve site-specific issues relative to the design of an access. In the event of significant deviation from adopted standards, the OWNER may be required to request an exception to the standards through a licensed civil engineer, or request a variance as prescribed in Chapter VIII. The MCHD may forward the request to the county's consulting engineer for further review and opinion. The OWNER shall be responsible for all costs associated with this review process.

**CHAPTER VII CONSTRUCTION OF IMPROVEMENTS**

Construction of an access or any work or disturbance within the highway right-of-way shall not commence until an access permit has been approved and executed by the MCHD.

The access permit shall be deemed expired and void if the construction of the access has not been completed before the expiration date identified in the permit. When the OWNER is unable to complete construction within that schedule, they may request an extension from the MCHD. Any request for an extension must be submitted to the MCHD before the permit expiration date.

The anticipated dates of construction shall be included in the application. The OWNER shall notify the MCHD at least forty-eight (48) hours prior to any activity within the highway right-of-way. Construction of the access, including restoration of the highway right-of-way, shall be completed in an efficient and safe manner, within the time stated in the approved permit.

The MCHD shall perform inspection of the construction process, and final inspection of the completed access, to ensure that all permit terms and conditions have been fully satisfied.

The construction of the access and its appurtenances as required by the terms and conditions of the permit and as determined by the MCHD shall be completed at the sole expense of the OWNER.

The MCHD may order an immediate stop to any unauthorized access construction or use.

The MCHD may order minor amendments to address site-specific conditions.

**A COPY OF THE APPROVED PERMIT SHALL BE AVAILABLE FOR ON-SITE REVIEW AT ALL TIMES DURING CONSTRUCTION ACTIVITY.**

**A) TRAFFIC CONTROL**

Construction signing and traffic control, in conformance with the ***Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD)*** and as approved by the MCHD is required at all times during construction. This may include, but is not limited to, the use of signs, barricades and flaggers.

Any work that will occupy, encroach upon or disturb highway traffic shall be protected through the establishment of a lane closure. All lane closures shall be approved in advance by the MCHD.

All lane closures shall comply with the ***Guidelines for Construction, Maintenance and Utility Operations*** and all traffic control personnel shall be trained and certified and shall comply with the ***Flagger’s Handbook***, both guides published by the Wisconsin Transportation Information Center.

Any traffic control devices remaining in place overnight shall be equipped with flashing lights.

No equipment or materials shall be left on the travelled way of the highway overnight.

Equipment and materials should be removed from the right-of-way. Any equipment or materials not removed from the right-of-way shall be protected by barricades equipped with flashing lights.

The OWNER shall be responsible for all traffic control and work zone installation and operation.

**B) LOCATION OF UTILITIES**

The OWNER shall be responsible for identifying the location of all existing utility installations by contacting the **Wisconsin One-Call Utility Notification Center** prior to construction.

Any damage caused to utility installations during construction of the access shall be repaired at the expense of the OWNER, to the satisfaction of the utility owner. The utility owner and the MCHD shall be notified immediately by the OWNER when any damage to utilities occurs.

**C) MAINTENANCE DURING CONSTRUCTION**

The OWNER shall be responsible for cleaning and maintaining the highway right-of-way during construction of the access. All debris shall be promptly removed and properly disposed of.

Drainage within the highway right-of-way shall not be blocked or otherwise compromised.

The highway surface shall be kept clean and swept free of all mud, gravel, trash and other debris.

Should the OWNER fail to properly maintain the right-of-way, the MCHD may clear the highway, restore the right-of-way and remove any drainage obstruction. The OWNER shall be responsible for all costs incurred by the MCHD in performing such action. Repeated violations of the OWNER shall be cause for revocation of the access permit and the removal of all improvements constructed.

**D) EROSION CONTROL**

Appropriate temporary erosion and sedimentation control measures, as approved by the MCHD, shall be designed and installed by the OWNER prior to beginning any ground-disturbing activity.

The OWNER shall be responsible for acquiring environmental protection permits as may be required by the **Wisconsin Department of Natural Resources**, the **Monroe County Land Conservation Department**, the **Monroe County Sanitation & Zoning Department** or other regulatory agencies.

All temporary erosion control measures shall be properly maintained during construction of the access and shall remain in place until permanent measures have been effectively established.

**E) RESTORATION OF RIGHT-OF-WAY**

The OWNER shall restore the highway right-of-way to at least its condition existing prior to construction of the access, including grading and re-vegetation, to the satisfaction of the MCHD.

Any damage to any highway appurtenance, structure or facility occurring during construction of the access shall be repaired or replaced at the expense of the OWNER, to the satisfaction of the MCHD.

**F) FINAL INSPECTION**

The OWNER shall request of the MCHD a final inspection of the installation immediately upon completion of construction. The OWNER agrees to perform, at the OWNER's expense, any correction or modification determined necessary by the MCHD. Failure to successfully complete construction, including any correction or modification, and request final inspection within six (6) months of the date of permit approval shall be considered abandonment of the access and shall result in termination of the permit and the forfeiture of any cash deposits or performance guarantees.

The OWNER shall be, and shall remain, responsible for any expense incurred by the MCHD to remove an abandoned access and to restore the highway right-of-way to its original condition.

**CHAPTER VIII VARIANCE**

Where the MCHD finds that hardship or practical difficulty may result from strict compliance with this policy, the MCHD may approve a variance from the provisions of the policy, provided that granting such variance shall not have the effect of nullifying the intent and purpose of the policy.

A petition for variance shall be submitted in writing to the Monroe County Highway Commissioner.

The Highway Commissioner may require that an engineering study, report and other relevant information be submitted when reviewing a petition for variance from the provisions of this policy.

The OWNER must clearly demonstrate that the variance will not compromise the public interest or public safety and that a practical difficulty or exceptional hardship will result if it is not granted.

No variance from the application of the provisions of this policy shall be granted unless it is found that the following requirements and conditions are clearly and reasonably satisfied.

1. The granting of the variance shall be consistent with the purpose and intent of the standards and regulations created through this policy and shall not result in delay or congestion of highway traffic or damage to the highway, or be detrimental to public health and safety.
2. There must be proof of pre-existing unique, unusual or special circumstances or conditions where the strict application of the provisions of the policy would deprive the OWNER of reasonable access. Circumstances that would allow reasonable access by a road or street other than a county highway, circumstances where indirect or restricted access can be obtained, or circumstances where engineering or construction solutions could be applied to reasonably mitigate the condition shall not be considered unique or special.
3. There must be proof of practical difficulty or exceptional hardship. It is not sufficient to show that greater profit or economic gain may result if the variance were granted. Additionally, the hardship or difficulty cannot be self-created or self-imposed, nor can it be established on this basis by the OWNER who purchases with or without knowledge of the provisions of this policy. The difficulty or hardship must result from the strict application of this policy and it must be suffered directly and solely by the OWNER of the property in question.
4. The requested variance is the least possible deviation from the provisions of this policy or the MCHD design standards which would mitigate the hardship or practical difficulty.

Upon receipt of all relevant reports, analysis, information, facts and data, and review by the MCHD, the Highway Commissioner shall render a decision in writing to the OWNER.

The Highway Commissioner may, in a decision granting a variance, stipulate terms, conditions or impose requirements to mitigate potential impact to the highway or to public safety.

**CHAPTER IX APPEAL**

Pursuant to §32-22, Monroe County General Code, the OWNER may appeal the decision of the Highway Commissioner to the Monroe County Highway Committee.

All appeals shall be made within thirty (30) days of the Highway Commissioner’s decision.

The appeal **shall be in writing** and shall state

1. The specific action or decision being appealed,
2. The reasons why the action or decision is being contested, and
3. The specific article of this policy that is being appealed.

The Highway Committee may reverse, confirm or modify the decision of the Highway Commissioner.

The decision of the Highway Committee shall be final.

**ADOPTED BY THE MONROE COUNTY HIGHWAY COMMITTEE /// 18 APRIL 2019**