

Effective: January 1, 2022	96.00 Utility Accommodation Table of Contents
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By: County Highway Commission

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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.

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)

3. Emergency Utility Work

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

4. Freeway

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

5. 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.

B. Specific Definitions (continued)

- b. "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, 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.

- c. 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".

- d. 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.

2. Permit

The document by which the County 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.

3. 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.

4. Private Utility Facilities

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

5. Responsible Person

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

6. 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.

B. Specific Definitions (continued)

7. Applicant

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

8. 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 edgeline striping.

9. Roadway

The traveled way plus shoulders.

10. 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.

11. 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.

12. 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”.

13. 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.

14. Utility Operation

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

Effective: January 1, 2022	96.00 Utility Accommodation 96.02 Introduction
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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 96.01(B) (9) and (15). It also applies to all existing utility facilities retained, relocated, replaced, or altered, and to new utility facilities installed 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 do 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.

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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.03 Indemnification
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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.

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A. Buried Line Locating Notification

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

1. If the Applicant has membership in a one-call utility notification service, it shall enter the current 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 96.61 through 96.64), 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.

WCHA UTILITY ACCOMMODATION POLICY**Policy 96.05**

Effective: January 1, 2022	96.00 Utility Accommodation 96.05 Emergency Work
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Emergency situations may arise when immediate action to protect the safety of the general public requires utility operations within a County’s highway that are not in full compliance with the provisions of the Policy. Nothing herein shall be construed as requiring a utility to delay such emergency repair.

Emergency repairs may be performed within the right-of-way when physical conditions or time considerations prevent application for the usual permit. However, as soon as feasible, the utility shall advise the 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.06 Abandoned Facility
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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’s 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.

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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.

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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 if they feel a county is not treating them fairly.

B. Failure to Comply

At the County’s 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.

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 ten (10) calendar days. If the utility fails to take corrective action within 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.

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's right-of-way. The inspector shall also take corrective measures to return the highway to a safe operating condition.

Effective: January 1, 2022	96.00 Utility Accommodation 96.08 Environmental Conditions
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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 to 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's project investigation. This information shall be considered for **"informational purposes only"** since data may change from the time an investigation is completed until the time a report is reviewed.

C. Utility Responsibility

The utility shall be responsible to perform a site assessment for its own facilities. Utilities which obtain a permit from the 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.

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 Section 96.97 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 Department of Right-of-Way	
Category	Please Call
Archeological Sites or Historic Structures	
Historic structure	State Historic Preservation Office 608-264-6512
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.	
Local Department of Natural Resources Office ¹	WDNR See Section 96.96 in 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:

<p>Effective: January 1, 2022</p>	<p>96.00 Utility Accommodation 96.10 Permit Requirements</p>
<p>Supersedes: January 1, 2000 August 21, 2012</p>	
<p>By: County Highway Commission Page 1 of 1</p>	

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 Policies 96.61 through 96.64.

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’s authorization shall not be construed as superseding any other governmental agency’s more restrictive requirements.

The utility should retain a copy of the permit in its files during the entire time the facility is located in, over, or under the County’s 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. Policy 96.07 highlights the steps that may be used by the County in order to revoke a permit.

Effective: January 1, 2022	96.00 Utility Accommodation 96.11 Required Information
Supersedes: January 1, 2000 August 12, 2012	
By: County Highway Commissioner	
Page 1 of 2	

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 96.93 and can be duplicated as needed.

One original permit application form, signed by an **authorized officer 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 Policy 96.12 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 and edge of the traveled way.

D. Permit Drawings (continued)

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.

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 96.23 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.13 Application Modification
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	

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 96.61.

Effective: January 1, 2022	96.00 Utility Accommodation 96.20 Location Requirements
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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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.
5. Accommodate narrow width parcel use by locating facilities near property or lot lines.

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 limit varies.

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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.21 Appurtenances
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
Page 1 of 1	

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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.22 Vertical Location
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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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's plans.

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

Effective: January 1, 2022	96.00 Utility Accommodation 96.23 Installation on Structures
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commissioner	
Page 1 of 1	

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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.24 Median Installations
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
Page 1 of 1	

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 policies 96.32(b) and 96.35 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 Section 96.92 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.25 Breakaway Construction
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	Page 1 of 1

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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.26 Scenic Considerations
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
Page 1 of 1	

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.

WCHA UTILITY ACCOMMODATION POLICY**Policy 96.30-35**

Effective: August 21, 2012	96.00 Utility Accommodation 96.30-35 Freeways
Supersedes: January 1, 2000	
By: County Highway Commissioner	
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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.

WCHA UTILITY ACCOMMODATION POLICY**Policy 96.40-44**

Effective: August 21, 2012	96.00 Utility Accommodation 96.40-44 Expressways
Supersedes: January 1, 2000	
By: County Highway Commissioner	
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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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.50 Construction Requirements
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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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 Policy 96.12) when appropriate.

B. Use of Highway Median

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

C. Use of Temporary Guard 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 Policy 96.20(D).

D. Unexpected Field Conditions

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

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 Section 96.96 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.51 Traffic Control
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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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.

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, and Lane closure may require flagging.

2. Long Term Duration

All stationary daytime utility work which takes longer than one hour to perform should utilize a traffic control plan 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.52 Work Site Safety
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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A. General

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

Sheeting, shoring, bulkheads, or temporary/permanent concrete barriers, etc. may be ordered by the 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 in accordance with the standards for minimum criteria of PPE as found in either the MUTCD or WisDOT WZFM at all times.

Effective: January 1, 2022	96.00 Utility Accommodation 96.53 Special Provisions
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	

A. Trenched Construction

Trenched construction and backfill shall provide for the:

1. Restoration of the structural integrity of the highway facility (see Section 96.95 Backfilling Details in the 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. Un-trenched construction shall, as a minimum, extend beneath the entire highway prism (from toe of in-slope to toe of in-slope or from back of curb to back of curb). Ground openings or pits for such work should be located outside of the clear zone and shall not interfere with highway drainage.

When specifically authorized by the County, the extent of the un-trenched 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.

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 curb.

Effective: January 1, 2022	96.00 Utility Accommodation 96.54 Cleanup and Restoration
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commissioner	
Page 1 of 1	

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 Policy 96.50(G) regarding chip spreading.

All replaced poles shall be completely removed from the highway. No replaced pole shall be allowed to remain, in whole or in part, and it shall not be sawed off. The pole’s hole shall be properly backfilled and compacted. All anchor rods shall be removed or cut off 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, other faulting, or movements attributable to the permitted work shall be repaired in a manner satisfactory to the County at the utility’s expense. Section 96.95 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.

WCHA UTILITY ACCOMMODATION POLICY

Policy 96.55

Effective: January 1, 2022	96.00 Utility Accommodation 96.55 Erosion Control and Storm Water Management
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	

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.

C. 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 is 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 has taken; shall be handled under the guidelines listed in Policy 96.07.*

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

D. Minor Projects (continued)**1. Definition (continued)**

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 < 6” dia).
8. Small open pavement/shoulder cuts.

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

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 protect 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.60 Specific Requirements
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	Page 1 of 1

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

WCHA UTILITY ACCOMMODATION POLICY

Policy 96.61

Effective: January 1, 2022	96.00 Utility Accommodation 96.61 Communications
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	

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.

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 Policy 96.54(A).
4. Locate buried facilities.
5. Stake route for proposed buried cable.
6. Connect and test wiring at buried cable pedestal locations.
7. 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.

D. Maintenance Activities (continued)

19. Repair or add grounds.
20. Resag, reattach, or rearrange conductor.
21. Repair cable bonding.
22. Survey lines.
23. Replace pole tags and signs.
24. Reinforce existing pole.
25. Mark location of proposed pole; proposed cable.
26. Grass cutting or snow plowing.
27. Trim trees or remove brush for existing line.
28. Minor repair of lines (installation of buried splices, etc.)
29. Sign and marker installation/replacement.
30. Replace/remove line in existing duct.
31. Surveying and resetting reclosures.
32. Abandonment of underground facilities shall be done in accordance with 96.06(B) of this policy.

Effective: January 1, 2022	96.00 Utility Accommodation 96.62 Electric
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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A. Standards

The minimum standards for the design, construction, operation, and maintenance of electric-type utility facilities shall be those embodied in the Wisconsin Administrative Code for each of the various utilities and phases of utility activities covered therein. When the codes, ordinances, or laws of governmental agencies having jurisdiction are more restrictive, they shall govern. When neither the Wisconsin Administrative Codes 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 96.61(D). However, should any of these selected maintenance activities be performed on facilities located within freeway right-of-way (except #37) or significantly impact the free flow of traffic on any other highway (closure of a travel lane, diversion of traffic, etc.), a permit shall first be obtained from the County.

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 Policy 96.54(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.

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 96.06(B) of this policy.

Effective: January 1, 2022	96.00 Utility Accommodation 96.63 Fluids and Gases
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	

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.

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.

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

E. Attachments to Structures

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

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 96.06(B) of this policy.
11. Pit (vault) maintenance (water removal, painting, minor modifications).
12. Minor cutouts and repair of lines (installation of clamps, 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.

Effective: January 1, 2022	96.00 Utility Accommodation 96.64 Private Utility Facilities
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	
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A. General

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

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

B. Occupation Fees

Private utility installations may be assessed a fee by the County for right-of-way crossing or occupation. The fee for each installation shall be determined on a 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 Department of Natural Resources that the project will have no significant impact upon the environment.

Effective: January 1, 2022	96.00 Utility Accommodation 96.90 Appendices
Supersedes: January 1, 2000 August 21, 2012	
By: County Highway Commission	Page 1 of 1

The following suggested sections may be included with this policy by individual counties to provide the user with additional information:

- 96.91 County Map.
- 96.92 County Staff Directory (list of County utility contacts and sheriff/law enforcement contacts).
- 96.93 Sample Permit Application Form.
- 96.94 Highway Clearance Diagram.
- 96.95 Backfilling Detail.
- 96.96 DNR Region Service Centers.
- 96.97 Environmental Conditions Discovery Checklist.
- 96.98 Completion Form.