



## 1.0 WisDOT Permit Required

~~A~~ Obtain a WisDOT utility ~~shall obtain a permit from WisDOT before any use using and/or occupancy of occupying~~ state trunk highway (STH) right-of-way (ROW) ~~is allowed.~~ This includes ~~utilities wanting to~~:

- Underground (buried) and aboveground (on surface, aerial, blow-out clearances) locations
- Occupying an existing pole-line poles or ducts system (for example, owned by a different utility (e.g., communications attaching cable attached to an electric company's existing company poles) It also includes the
- Application by the main owner, not a contractor, developer, property owner, etc., for the portion of sewer and water laterals within STH ROW (See animation).

Exceptions to ~~this permits~~ are ~~enumerated listed~~ in 3.1, 3.2 and 3.3. ~~A utility may also need a permit from the DNR. See 1.3.~~

### 1.1 Emergency Work

Emergency situations may arise when immediate action to protect public safety requires utility operations within ~~a state trunk highway~~ STH ROW that are not in full compliance with the provisions of the *Utility Accommodation Policy (UAP)*. Nothing in the *UAP* shall be construed as requiring a utility to delay such emergency repair.

Emergency repairs may be performed ~~within STH ROW~~ when physical conditions or time considerations prevent ~~application applying~~ for the usual WisDOT utility permit. However, as soon as practical, ~~the utility shall~~ advise the appropriate WisDOT region office of the emergency, ~~its~~ the plans or actions for alleviating the unsafe situation(s), and the arrangements made for the control and protection of traffic or pedestrians affected by ~~its~~ the proposed operations. When the *UAP* requires a utility permit for such work, ~~a utility shall obtain a permit one~~ as soon as possible and make any alterations that WisDOT deems necessary through the permit approval process.

### 1.2 WisDOT Permit Authorization to Use and/or Occupy Highway Right-of-Way

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

WisDOT does not (1) warrant that public title to the ROW is free and clear, ~~does not (2)~~ certify that it has sole ownership, and ~~does not (3)~~ indicate any intention to defend the utility in its peaceful use and occupancy of said lands.

~~The~~ A permit does not transfer any land, or give, grant, or convey any land right, right in land, or easement in ~~WisDOT~~ STH ROW. It is not assignable or transferrable. ~~When a WisDOT permit is issued, the permit~~ terminates when ~~a utility~~ the associated facility changes ownership. The new owner must then obtain a permit ~~in order to occupy~~, operate and maintain the utility facility ~~in WisDOT on~~ STH ROW.

~~Written authorization from WisDOT~~ WisDOT's permit approval does not relieve a utility from compliance with all applicable federal ~~and~~, state, local, and tribal laws ~~and~~ codes, ~~and local laws~~ regulations, and ordinances that affect the design, construction, materials, or performance of its work. ~~WisDOT's authorization and~~ shall not be construed as superseding any other governmental agency's more restrictive requirements. However, if the utility is directly under contract with WisDOT, and WisDOT chooses to supersede local ordinances or permitting requirements, then the utility shall be exempt from a governing agency's ordinances or permits under WisDOT's statutory authority.

~~A utility should retain~~ Retain a copy of the WisDOT permit in ~~its~~ a utility's files during the entire time the utility facility is located on, over or under STH ROW.

~~All WisDOT utility permits issued by WisDOT are revocable. See HMM 09-15-10 highlights the steps that WisDOT may use in order to revoke a permit for possible step-by-step compliance actions.~~

1.3 **Environmental** ~~Permit Coordination through the Department of Natural Resources (DNR)~~ Checklist

~~Projects that involve trenching or plowing a utility line through a waterway require a Wis. Stat. Chapter 30 permit from DNR. In order to avoid any Ch. 30 permitting, utility lines may be directionally bored under waterways. If boring a waterway is not feasible and a utility needs to be plowed or trenched across the waterway, application materials can be obtained from the DNR. See link #3 in Table 1. Most public waterways can be found on the 24k hydrology maps.~~

~~Projects that involve placing fill in a wetland require a Wis. Stat. 281.36 wetland permit from DNR. Fill may include a pedestal, pole or backfilling a trench. In order to avoid wetland permitting, utility lines may be directionally bored under wetlands or vibratory plowed through wetlands. Wisconsin Wetland Inventory (WWI) maps are a useful tool to determine known wetlands, but are not a comprehensive map of all wetlands. In addition, a utility should review United States Department of Agriculture (USDA) web soil survey and look for mapped hydric soils, or utilize the 'wetland indicators' tab on the Surface Water Data Viewer (SWDV) web tool.~~

~~Projects that involve one acre or more of land disturbance require a utility to submit a Notice of Intent (NOI) erosion control permit under Wis. Adm. Code NR 216. See link #3 in Table 1.~~

~~If DNR makes a permit decision or jurisdictional determination for a project, it is also required to ensure that the project does not impact threatened or endangered species, or known archaeological or historical sites. However, protection of state-listed threatened or endangered species under Wis. Stat. 29.604 is applicable to your project regardless of whether other DNR permits or determinations are involved.~~

~~In order to determine whether or not a project requires a waterway or wetland permit, submit a detailed narrative describing the work to be completed, including the location for the entire project, how the line will be installed, and the type of equipment to be used to the DNR Bureau of Energy, Transportation and Environmental Analysis (DNR BETEA) representative. Additionally, submit maps showing the entire project, overlaid on an aerial photograph, including the waterways, the WWI and "wetland indicators," as well as the locations for any bore pits, pedestals, vaults or handholes.~~

~~The DNR BETEA will use the information you prepare and submit to assist in making a jurisdictional determination for your project. If you have any questions or need more information, contact the DNR BETEA at (608) 266-3524.~~

**Table 1—Environmental Information Website Links by Topic**

1. DNR Utility Permitting (Bureau of Energy, Transportation and Environmental Analysis) <a href="http://dnr.wi.gov/topic/sectors/utilitypermitting.html">http://dnr.wi.gov/topic/sectors/utilitypermitting.html</a>
2. Water Permit Information <a href="http://dnr.wi.gov/permits/water/">http://dnr.wi.gov/permits/water/</a>
3. Construction Site Stormwater Permit Applications <a href="http://dnr.wi.gov/topic/stormwater/construction/">http://dnr.wi.gov/topic/stormwater/construction/</a>
4. Surface Water Data Viewer (Wetland/Waterway Maps) <a href="http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&amp;runWorkflow=Wetland">http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&amp;runWorkflow=Wetland</a>
5. USDA Web Soil Survey <a href="http://websoilsurvey.nrcs.usda.gov/app/">http://websoilsurvey.nrcs.usda.gov/app/</a>
6. Endangered-Threatened Species <a href="http://dnr.wi.gov/topic/endangeredresources/laws.html">http://dnr.wi.gov/topic/endangeredresources/laws.html</a>
7. Archaeological-Historical Info <a href="http://www.wisconsinhistory.org/Content">http://www.wisconsinhistory.org/Content</a>

**1.4—Environmental Permit Coordination under the DNR/DOT Cooperative Agreement**

Activities that affect waters of the state and that are carried out under the direction and supervision of WisDOT in connection with a transportation project are exempt from certain DNR environmental permit requirements, if the activities are conducted through the DNR/DOT Cooperative Agreement (Wis. Stat. 30.2022). In accordance with the Agreement, there **may** be times when it is advantageous for WisDOT to include a utility's environmental requirements with its own environmental review using the Liaison Process. WisDOT will make that decision during the utility coordination stage of the project. Use [Table 2](#) as a guide to determine which agency to contact when environmental permits are needed whether working on STH ROW and/or privately-owned lands.

**Table 2—Environmental Permit Coordination for Utility Work  
Guidelines for Utility Companies under the DNR/DOT Cooperative Agreement**

<b>Lead Agency:</b> ● <b>BETE A = DNR, Bureau of Energy, Transportation and Environmental Analysis</b>			
<b>Agency:</b> ● <b>DOT = Utility Permit Coordinator, DNR/DOT Liaison, Project Manager, etc.</b>			
Types of environmental permits include: ⇒ Wetland or waterway crossings <sup>1</sup> (Ch 30 & 281.36) ⇒ Land disturbance ≥ 1 Acre <sup>2</sup> (NR 216) ⇒ Threatened and Endangered Species (Ch 29)		Action Item:	
		Transportation Project “Directed & Supervised” by WisDOT	Utility’s Own Project
Utility work is located:	Entirely on private land	<b>BETE A</b>	<b>BETE A</b>
	Entirely on DOT ROW	<b>DOT</b> <sup>3</sup>	<b>BETE A</b> <sup>4,5</sup>
	Both on private land & DOT ROW	<b>BETE A and/or DOT</b> <sup>3</sup>	<b>BETE A</b> <sup>4,5</sup>
<b>Key to numbered comments:</b>			
1. Includes all construction methods such as trenching and plowing. Bore pits in close proximity to a wetland or waterway may also be included.			
2. If land disturbance is less than one acre, a NR 216 permit is not required. Land disturbance includes equipment tracking and any excavation needed for construction.			
3. <b>DOT</b> decides if the proposed utility work can be reviewed using the Liaison Process. If yes, <b>DOT</b> will coordinate with <b>BETE A</b> and inform the utility. <b>DOT</b> may require a utility to obtain environmental permits from <b>BETE A</b> for work in multiple counties, on large or complex improvement projects with work on and off WisDOT ROW, or in environmentally sensitive areas. If WisDOT assumes responsibility for a utility’s environmental requirements through the Liaison Process, then DNR permits are not required.			
4. If DNR permits are needed, include a copy along with utility permit application. If DNR permits are not needed, submit evidence of <b>BETE A</b> coordination/decision instead.			
5. A utility must coordinate with <b>BETE A</b> unless its project does not impact any environmental resources and is not considered a “major” project with regards to <u>Trans 401</u> .			
<b>General comments:</b>			
A. WisDOT does not have statutory authority to issue utility permits on private lands.			
B. All utility work on WisDOT ROW requires a permit from WisDOT with two exceptions: (1) Utility work that is considered a maintenance item in 3.1, 3.2 and 3.3 and (2) Utility work that is a pay (bid) item in a WisDOT transportation project. This means that it is under a WisDOT contract, which serves in lieu of a typical utility permit. It does not include a utility’s own project or utility facility relocations before or during a WisDOT transportation project. Contracts do not include utility reimbursement agreements.			
C. Utilities may contact the <b>BETE A</b> at 608/266-3524 or <a href="http://dnr.wi.gov/topic/sectors/utilitypermitting.html">http://dnr.wi.gov/topic/sectors/utilitypermitting.html</a>			
D. All utility work on WisDOT ROW must comply with Wis. Adm. Code Trans 401 if a DNR permit is not issued. See <u>HMM 09-15-55</u> for details on Trans 401 implementation for WisDOT issued utility permits.			
E. DNR may enforce environmental control requirements on WisDOT ROW even if WisDOT issues utility permits and is responsible for enforcing permit and <i>Utility Accommodation Policy</i> requirements. This may include temporarily suspending a job and/or levying a fine.			

**1.5—Native American Nation or Tribal Information**

If any part of a utility’s proposed work is located within the reservation boundaries of a Native American Nation or Tribe that has a federally designated Tribal Historic Preservation Officer (THPO), then the utility should contact the Tribe and/or THPO to determine what permits or other coordination may be needed.

- Tribal Government Contacts: <http://witribes.wi.gov/section.asp?linkid=284&locid=57>
- THPO Contacts: <http://www.wisconsinhistory.org/pdfs/hp/HPR-THPO-Designation-List.pdf>

Environmental permits, approvals, or coordination may be required from other regulatory agencies as part of a utility’s project or relocation in STH ROW. Perform an environmental review prior to submitting a WisDOT permit application (dt1553). HMM 09-15-16 provides an environmental checklist (Checklist) for a utility to fill out and determine the level of environmental coordination required. Submit the completed and signed Checklist with the permit application.

## 2.0 Required Permit Information

A utility's request to use and occupy ~~the~~ STH ROW cannot be considered until adequate information is provided regarding its proposed work. The amount of detail will vary with the installation's complexity of the installation and the highway involved, but must include the appropriate current permit application form, Checklist, drawings or sketches, work zone traffic control plans, and installation information so WisDOT can fully evaluate the effect on future WisDOT projects, highway operations, maintenance, traffic safety, and visual qualities ~~can be evaluated.~~

### 2.1 Permit Limits

Include the limits (project endpoints) of all proposed work in the permit application. If the utility facility extends into more than one county, submit a separate permit application for each county. The permit authorizes only the described work of and for the applicant indicated on the permit. The permit does not grant authority for the present or future installation of any other facility.

### 2.2 Permit Application Form & Instructions

Use WisDOT's single-page, double-sided, *Application/Permit to Construct, Operate and Maintain Utility Facilities on Highway Right-of-Way* dt1553. Instructions are also available to explain each question and the information required on the permit application form as a separate document dt1553i. The indemnification language on the frontback page must be included with each permit application submitted. ~~Altering the form is prohibited by the applicant and shall be just cause for an~~ application rejection may be rejected or permit revocation revoked if the applicant or authorized representative alters the form.

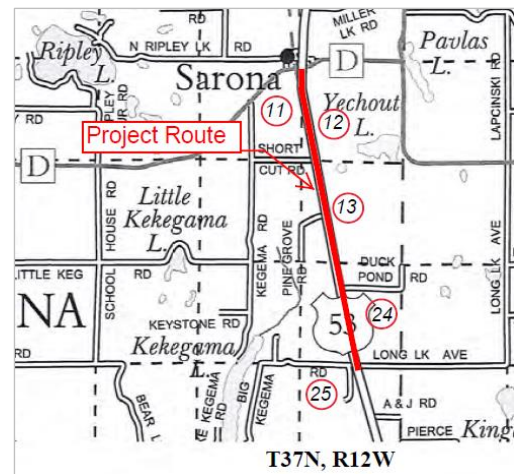
Submit one original **with an authorized signature** of the permit application form to the appropriate region office (HMM 09-15-70-2-0). The permit form, engineering drawings and other documentation should be sent by email attachment or file transfer protocol (FTP) site, either of which is preferred to provide the fastest processing. The application may also be sent via regular mail, courier service or in person. Copies<sup>1</sup> may be reproduced from the original. Submission of ~~the~~ permit materials by fax is prohibited.

If a utility has an expedited service connection permit, submit location drawings for the service ~~may be submitted by fax or email (preferred)~~ at least three working days prior to starting the work. See HMM 09-15-20 for details.

### 2.3 Permit Drawings

~~Each~~ Provide adequate drawings with each permit application ~~shall contain adequate drawings~~ showing the proposed location of the utility facility location within the ROW with respect to the existing highway, any proposed highway improvements, and ~~any~~ existing utility facilities. The details shall include dimensions from the proposed utility installation to the commonly accepted ROW line ~~and or~~ edge of the traveled way ~~;~~ (white edge line or fog line).

For highway crossings, provide cross-section details showing ~~depth of bury or~~ overhead clearance or depth of bury along with bore pit locations if needed ~~;~~ A, and a distance reference from the crossing to the nearest public road intersection ~~is also required.~~ Submit land tie information (for example, approximate distance from the proposed facility to a side road intersection(s), county line, section corner, etc.) with all permit drawings. Use a plat maps map (Figure 1) or a similar map depicting Public Land Survey System (PLSS) information since WisDOT uses it to document location-section-town-range information since they are extremely useful for WisDOT listed in processing permit applications. dt1553 question 6 and to file approved permits.



<sup>1</sup> Consult the Region office for the number of copies desired with each paper application.

Do not submit drawings that have a proprietary disclosure language like the example shown in Figure 42. WisDOT permits are subject to the State's Open Records Law. Therefore, WisDOT cannot safeguard the information contained within them. Utilities are advised not to put proprietary or confidential information in a permit.

**“PROPRIETARY INFORMATION NOT FOR DISCLOSURE.**  
These plans contain proprietary or confidential information, and the recipient must not disclose, copy, recreate or distribute the plans or information contained therein, either directly or indirectly, to other entities or individuals, without written or express permission from *utility name*.”

**Figure 42: Proprietary Disclosure Language**

## 2.4 Installation Information

The utility shall provide ~~Provide~~ the following installation information ~~that shall include, which includes~~, but is not limited to:

1. A ~~general~~ description of the location, size, type, nature, and extent of the utility facilities to be installed or to be adjusted, and the impact on the utility's existing facilities to remain in place within the ROW. This includes operating voltages for transmission lines, fiber counts, ~~fluid or~~ gas line pressures, etc.
2. A description of proposed construction procedures, ~~special work zone~~ traffic control ~~and, pedestrian traffic control (if required), other work site~~ protection measures, erosion control measures, proposed access points, coordination of activities with ~~the~~ highway contractor, and trees/vegetation<sup>2</sup> to be removed and replaced.
3. For structure attachments, the bridge number, weight of lines, hanger spacing, hanger details, and expansion/contraction details. See [HMM 09-15-30](#) for additional structure attachment requirements.

## 2.5 Application Modification

WisDOT reserves the right to modify a utility's permit application as needed to protect 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 ROW.

## 3.0 Maintenance Items Exempt from an Additional Permit

Certain maintenance and other types of utility activities are considered minor in nature, and ~~shall be allowed to~~ may be performed without an **additional** permit. However, should any of these selected activities be performed on facilities located on freeway ROW or require a Lane Closure System notification ([HMM 09-15-60, 4.0](#)), ~~obtain a WisDOT utility permit shall first be obtained from WisDOT prior to performing the work.~~

## 3.1 Communication Utilities

No additional permit is required for:

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|--|---|
| 1. Repair or replacement of overhead service wire  | <del>13.</del> <u>Test for location of underground lines</u>  |
| 2. Repair or replacement of overhead cable and terminal hardware, two spans or less  | <del>12-14.</del> Inspection of manholes (includes water removal, cable tagging, and minor modifications, etc.) |
| 3. Replace pole, same location, maximum of 10 poles per 5-mile section   | <del>13-15.</del> Electrolysis surveys  |
| <i>Note: Once a new pole is installed, transfer all attached facilities (electric, telephone, CATV, etc.) to the new pole in a timely manner. Completely remove the old pole in accordance with <a href="#">HMM 09-15-45, 5.1</a>.</i> | <del>14-1.</del> <u>Test for location of underground lines</u>  |
| 4. Locate buried cable   | <del>15-16.</del> Paint poles, towers, or crossarms   |
| 5. Stake route for proposed buried cable   | <del>16-17.</del> Straighten pole, crossarm, or brace   |
| 6. Connect and test wiring at buried cable pedestal locations  | <del>17-18.</del> Test or treat existing pole   |
| 7. Crossarm, bracket, and hardware repair/replacement  | <del>18-19.</del> Remove debris from overhead line  |
| 8. Add anchor, guy, or brace between pole and ROW line or no closer to traveled way than pole  | <del>19-20.</del> Repair or add grounds   |
| 9. Trench pole to maintain or increase roadside clearance  | <del>20-21.</del> Re-sag, reattach, or rearrange conductor  |
| 10. Repair or replacement of overhead conductor, two spans or less   | <del>21-22.</del> Repair cable bonding  |
| 11. Line patrolling  | <del>22.</del> <del>Survey lines</del>  |
| <u>12. Survey lines</u>  | 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 ( <u>not cutting or spraying</u> )                             |

<sup>2</sup> Includes living snow fence. See [HMM 09-15-45, 2.2](#)

28. Minor line repair (splice, etc.)
29. Sign and marker installation/replacement
30. Replace/remove line in existing duct
31. Raise, lower, or temporarily disconnect existing overhead lines to avoid interference with an oversize load

### 3.2 Electric Utilities

No additional permit is required for:

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|--|---|
| <ol style="list-style-type: none"> <li>1. Switching</li> <li>2. Fuse replacement</li> <li>3. Transformer replacement</li> <li>4. Crossarm, bracket, and hardware repair/replacement</li> <li>5. Add anchor, guy, or brace between pole and ROW line or no closer to traveled way than pole</li> <li>6. Trench pole to maintain or increase roadside clearance</li> <li>7. Replace pole, same location, maximum of 10 poles per 5-mile section</li> </ol> <p><i>Note: Once a new pole is installed, transfer all attached facilities (electric, telephone, CATV, etc.) to the new pole in a timely manner. Completely remove the old pole in accordance with <a href="#">HMM 09-15-45, 5.1</a>.</i></p> <ol style="list-style-type: none"> <li>8. Repair or replacement of overhead conductor, two spans or less</li> <li>9. Line patrolling</li> <li>10. Manhole inspection (includes water removal, cable tagging, minor modifications, etc.)</li> <li>11. Electrolysis surveys</li> <li>12. Test for gas</li> <li>13. Test for location of underground lines</li> <li>14. Paint poles, towers, or crossarms</li> <li>15. Straighten pole, crossarm, or brace</li> <li>16. Test or treat existing pole</li> <li>17. Clean insulators</li> </ol> | <ol style="list-style-type: none"> <li>18. Remove debris from overhead line</li> <li>19. Repair or add grounds</li> <li>20. Re-sag, reattach, or rearrange conductor</li> <li>21. Sample or test insulating oil</li> <li>22. Repair cable bonding</li> <li>23. Install or remove transformer or regulator</li> <li>24. Survey lines</li> <li>25. Replace outdoor light bulbs and cleaning glass</li> <li>26. Repair or replace outdoor lighting control</li> <li>27. Reset time clock or control switch</li> <li>28. Replace pole tags or signs</li> <li>29. Reinforce existing pole</li> <li>30. Mark location of proposed pole; proposed cable</li> <li>31. Grass cutting or snow plowing</li> <li>32. Trim trees or remove brush for existing line (<a href="#">not cutting or spraying</a>)</li> <li>33. Sign and marker installation/replacement</li> <li>34. Minor line repair (splice, etc.)</li> <li>35. Replace/remove line in existing duct</li> <li>36. Repair or replace overhead service</li> <li>37. Reading service meters. <i>Note: Access from freeway shoulder allowed during non-peak rush hours only.</i></li> <li>38. Raise, lower, or temporarily disconnect existing overhead lines to avoid interference with an oversize load</li> </ol> |
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### 3.3 Fluid and Gas Utilities

No additional permit is required for:

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| <ol style="list-style-type: none"> <li>1. Leak surveys (vehicle/walk patrol), line patrolling</li> </ol> | <ol style="list-style-type: none"> <li>2. Pressure surveys (gauge check or chart setting)</li> </ol> |
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|--|---|
| 3. Odorant checks  | <del>12.</del> <u>13.</u> Minor cutouts and repair of lines (installation of clamps, welds, etc.) |
| 4. Regulator maintenance (change out, lockup check, spring change, etc.)                               | <del>13.</del> <u>14.</u> Cathodic protection checks and related repair                           |
| 5. Valve maintenance (activation check, grease, replacement, etc.)                                     | <del>44.</del> <u>15.</u> Sign and marker installation/replacement                                |
| 6. Line purging  | <del>45.</del> <u>16.</u> Relief vent line inspections  |
| <u>7.</u> <a href="#">Land survey</a>  | <del>46.</del> <u>17.</u> Maintenance/repair of telemetering equipment                            |
| <del>7.</del> <u>8.</u> Exposed line survey and maintenance (on bridges, exposed valve assembly, etc.) | <del>17.</del> <del>Land survey</del>   |
| <del>8.</del> <u>9.</u> Line locates and facility marking  | 18. Brush removal   |
| <del>9.</del> <u>10.</u> Up rating pressure of main (monitoring)                                       | 19. Painting <del>above ground</del> <a href="#">aboveground</a> facilities                       |
| <del>10.</del> <u>11.</u> Abandonment of main, services, etc.  | 20. Grass cutting or snow plowing   |
| <del>11.</del> <u>12.</u> Pit (vault) maintenance (water removal, painting, minor modifications)       | <del>21.</del> Trim trees or remove brush for existing line                                       |
| <u>21.</u> <a href="#">(not cutting or spraying)</a>   |   |