



1.0 Purpose

A Work on Highway Right-of-Way (WHROW) permit is required before starting any work in the right of way of a controlled access highway or state highway that is not related to utility permitting, driveways or road/street connections.

WHROW activities include, but is not limited to:

- Storm sewers for highway drainage
- Drainage pipes and drainage tile
- Temporary pipes/hoses for irrigation, animal waste, etc.
- [HMM 07-01-35 Private Donations](#)
- Groundwater monitoring wells
- Surveying
- Soil borings
- Crash investigation and clean-up
- Removal of contaminated soils
- Frac sand transported by pipe or conveyor
- Municipal and Tribal Welcome Signs
- Signs and Monuments in Right-of-Way
- Encroachments
- Historical Markers/Rest Areas
- Holiday décor
- Grading/Excavating/Placing fill materials. [HMM 07-25-25 Grading.](#)
- Surveying
- Boring under a highway
- Blocking and detouring traffic
- Landscaping/Tree Planting/Native seed installation. [HMM 07-25-01 Planting Permits.](#)
- Plant rescue requests. [HMM 07-25-05 Plant Rescue.](#)
- Environmental Assessments
- Invasive Species Bio-Control release or collection
- Invasive Species Control or Inventory
- Vegetation/tree removal requests NOT in front of an outdoor advertising signs. Follow policy [HMM 07-35-01 Vegetation Alteration for Site Exposure](#)
- Vegetation cutting in front of an outdoor advertising sign. *For questions and DT1812 permit application form submission associated with **vegetation cutting in front of an outdoor advertising sign** under Wis. Stat s. 84.305, contact the [Outdoor Advertising Program.](#)*

2.0 Contacts

[Regional Maintenance Staff Contacts](#)

Wisconsin Department of Transportation ([WisDOT](#)) [Contacts for Work on Highway Right-of-Way Permits](#)

Bureau of Highway Maintenance (BHM) Landscape Architects

[Wisconsin Department of Transportation Roadsides](#)

- Contact for permits pertaining to the following topics.
 - Landscaping/Tree Planting/Native seed installation
 - Plant rescue requests
 - Private Donations

- Environmental Assessments
- Invasive Species Bio-Control release or collection
- Invasive Species Control or Inventory
- Vegetation/tree removal requests NOT in front of an outdoor advertising signs.

Bureau of Highway Maintenance (BHM) Outdoor Advertising Signing Contacts
[Wisconsin Department of Transportation Outdoor advertising signing contacts](#)

- Contact for vegetation removal requests in front of outdoor advertising signs

3.0 Definitions

Unless otherwise provided herein, the definitions accepted by the American Association of State Highway and Transportation Officials (AASHTO) shall prevail.

- **Clear zone**

The portion of the right-of-way (ROW) free of nontraversable hazards and fixed objects. These areas provide drivers with a reasonable opportunity to stop safely or otherwise regain control of their vehicles when they leave the traveled way. The clear zone generally varies with the type of highway, terrain traversed, road geometrics, and operating conditions. Use WisDOT's [FDM 11-15-01, 1.10](#) as the guide for establishing clear zones and [Attachments for FDM 11-15-1: Dimensions and Design Classes](#) (for the Clear Zone Distance Table)

- **Emergency utility work**

Unforeseen action by a contractor deemed necessary to restore an existing facility to protect the general public.

- **Expressway**

A divided highway with partial access control and generally with grade separations at major intersections.

- **Freeway**

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

- **Highway(s)**

The State Trunk Highway (STH) system as authorized under Wis. Stat. s. [84.02](#). This includes the entire area within the highway ROW.

- a. Federally marked highways, such as "U.S." or "I" ("Interstate"), are part of the STH System.
- b. [Connecting Highways](#) as authorized under Wis. Stat. s. [86.32](#) are actually local jurisdictional streets and not part of the STH system – even though the road is still signed with a U.S. or WIS shield.

WisDOT's official [State Trunk Highway maps](#) denote all STHs within Wisconsin.

- **Permit**

The document by which WisDOT grants a utility permission to work within, use, or occupy the highway ROW.

- **Pipeline**

A utility facility installed to carry or convey a fluid, gas or other material, generally underground, including the casing and the carrier.

- **Private utility (private line)**

A facility that conveys or transmits the commodities defined by utility (see #12), but are owned, operated and maintained by an individual(s) or business, devoted exclusively to the owner's use and typically not accessible to the public. Under the *UAP*, the portion of sewer and water laterals within STH ROW are regarded as extensions of the main and therefore are public utilities even though main owners require them to be privately owned and maintained. Private utilities are usually not regulated by a United States or Wisconsin State government agency.

- **Responsible person**

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

- **Right-of-way (ROW)**

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.

- **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.

- **Owner/Applicant**

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 Wisconsin for the production, transmission, delivery or furnishing of communications, electric power, light, heat, fuel, gas, oil, petroleum products, water, steam, fluids, sewerage, storm water not connected with highway drainage, irrigation, or similar commodity, which directly or indirectly serves the public.

The term includes 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 that perform any of the utility functions above. It also includes those utility-type facilities that are owned or leased by a government agency for its own use or otherwise dedicated solely to governmental use.

The definition above is based on various statutes in Wisconsin law.¹ Federal law has a similar definition.²

- **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 line or to replace all or a significant portion of an existing line.

- **Utility lines**

- a. **Transmission line**

A utility line with high capacity, which generally carries the product from the source to a distribution network.

¹ Sources: Wis. Stat. ss. [196.01\(5\)](#), [84.063\(1\)](#), [84.295\(4m\)\(e\)2](#), and [Ch. 200](#).

² Source: [23 CFR 645.207](#)

b. Distribution line

A utility line with moderate capacity, which distributes the utility product from a transmission line to points convenient for their customers. An additional term for a distribution line is "trunk".

c. Service line

A utility line which serves a single customer via a connection with a distribution line. Additional terms for a service line include "lateral" and "drop".

• **Utility maintenance**

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

• **Utility operation**

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

• **WisDOT**

The Wisconsin Department of Transportation.

4.0 Legal Authority – Statutes

WisDOT regulates the use and work in right-of-way of the state trunk highway system by others under these statutes:

- [Statute 66.0831](#) Interference with Public Service Structure.
- [Statute 84.01\(31\)](#) Accommodation of Utility Facilities Within Highway Rights-Of-Way.
- [Statute 84.07\(4\)](#) Emergency Repairs, Blocking Streets or Roads; Detours.
- [Statute 84.08](#) Franchises.
- [Statute 85.15](#) Property Management.
- [Statute 86.07\(2\)\(A\)](#) Digging in Highways or Using Bridges for Advertising.
- [Statute 86.16](#) Utility Lines on Highways; Place of Poles; Penalty.
- [Statute 182.017](#) Transmission Lines; Privileges; Damages
- [Statute 182.0175](#) Damage to Transmission Facilities.
- [Administrative Code Trans 29](#)
- [Administrative Code Trans 231](#)